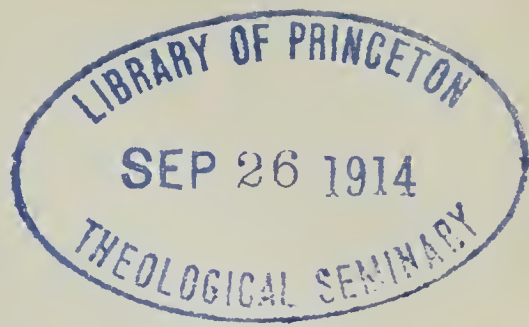


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REPORT

OF THE

TWENTIETH ANNUAL

✓ LAKE MOHONK CONFERENCE

ON

INTERNATIONAL ARBITRATION

MAY 27th, 28th AND 29th

1914

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PUBLISHED BY THE

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MOHONK LAKE, N. Y.

1914

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(Appointed in 1910 to arouse interest in the approaching centenary of peace. The celebration of that event being now assured, the personnel of the committee, for which see the report of the conference of 1913, is omitted from this report.)

PREFACE

The Lake Mohonk Conferences on International Arbitration were founded by Mr. Albert K. Smiley in 1895 for the purpose of creating and directing public sentiment in favor of international arbitration and an international judicial system. To this end they work through annual and representative assemblies, the members of each being entertained by Mr. and Mrs. Daniel Smiley at their summer home at Mohonk Lake, about one hundred miles from New York City. Mr. Smiley maintains a permanent office, in charge of the secretary, through which the annual conferences are arranged and a continuous correspondence conducted.

The Conferences are greatly aided, not only by those who attend them, but also by the official co-operation of nearly two hundred leading chambers of commerce and like bodies throughout the United States, Canada, and other nations, and of a large and widely scattered body of "Correspondents."

The Twentieth Annual Conference was held in the parlor of the Lake Mohonk Mountain House, May 27, 28 and 29, 1914, with three hundred and nine members in attendance. Six sessions were held, the proceedings of which—consisting of discussions of the present status of international arbitration, of the Third Hague Conference, of an international court, of the education of public opinion, and of other allied subjects—are given, nearly in full, in this report. The attitude of the Conference on various questions discussed is shown by the Platform and Supplementary Resolutions (p. 8).*

The management of the Conference, while providing opportunity for free discussion of matters not foreign to the purpose of the meeting, assumes no responsibility for individual opinions printed herein.

One copy of this report is sent to each member or official correspondent of the Conference, and several thousand copies are mailed to individuals in public and private life, to libraries and to other institutions. Distribution of current reports is free to the limit of the edition, and libraries and public institutions may obtain back numbers without charge except for transportation. Applications for reports, and other correspondence, should be addressed to the Secretary of the Conference.

* The Platform, as the official utterance of each Conference, gains force from a standing rule requiring its adoption only by a substantially unanimous vote.

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PLATFORM

OF THE

TWENTIETH ANNUAL LAKE MOHONK CONFERENCE ON
INTERNATIONAL ARBITRATION, 1914

(The platform is the official utterance of the Conference and embodies only those principles on which the members unanimously agreed.—Ed.)

The Twentieth Annual Lake Mohonk Conference on International Arbitration, while deploring the fact that the history of the past year has been disfigured by wars in both hemispheres, attended at times by shocking barbarities, recognizes unmistakable signs of the advance of the public opinion of the world toward the peaceful settlement of international disputes. The general peace of Europe has been maintained in spite of the grave situation in the Balkans; and in the face of threatened war, the American people have shown a praiseworthy self-restraint, and have accepted with commendable spirit the tender of good offices, made in accordance with the recommendations of the First Hague Conference, by our sister republics of South America—Brazil, Argentina and Chili.

We recognize the far-reaching importance of the proffer and acceptance of mediation, and record our confidence that the work of the conference of mediators, now in session, will result in an honorable and permanent settlement of the points at issue between the United States and Mexico. We express unqualified endorsement of President Wilson's declaration that this country does not aim at territorial aggrandizement.

We call renewed attention to the necessity of such legislation as shall place all matters involving our relations to aliens and to foreign nations under the direct and effectual control of the federal government and the jurisdiction of the federal courts. Foreign governments can deal only with our national government; and the respective responsibilities of the states and of the nation should promptly be so readjusted as to terminate the anomalous conditions under which our friendly relations with other powers have repeatedly in recent years been menaced.

We urge such action by our government as shall secure the convoking of the Third Hague Conference

PLATFORM

at the earliest practicable date, with such thorough preparation of its program as shall ensure for the Conference the highest measure of success. We remember with satisfaction the initiative of our government in calling the Second Hague Conference and in securing provision in its convention for the assembling of the Third Conference. We express our satisfaction that steps have already been taken by our government* to facilitate the calling of the Third Conference. We urge upon our people and upon all peoples the importance of making provision for convening the Conferences at regular intervals.

We recommend that in addition to the present Permanent Court of Arbitration at The Hague, as established under the conventions of 1899 and 1907, there be established as soon as practicable, among such powers as may agree thereto, a court with a determinate personnel, as advised by the Second Hague Conference.**

We gratefully recognize in the establishment since the last Mohonk Conference of the Church Peace Union, in the large development of the British and German Peace Councils, and in the recent solemn appeal of the churches of Switzerland to the churches of Europe for united effort in behalf of the cause of peace, an impressive witness of the drawing together of the world's religious forces for the promotion of international justice and co-operation; and we bespeak for the coming International Church Conference in Switzerland the earnest support of the American churches.

We express anew our deep interest in the proposed celebration of the centenary of peace between the United States and Great Britain, to be inaugurated on Christmas Eve, 1914, the anniversary of the signing of the Treaty of Ghent. We commend to the world the impressive example of the unfortified Canadian

* On June 10, 1912, President Taft appointed a National Advisory Committee to consider proposals for a program for the next Hague Conference. That Committee having submitted a preliminary report, the Secretary of State on January 31, 1914, instructed the diplomatic officers of the United States at the respective foreign capitals to propose to each government which took part in the Second Hague Conference that the Third Conference be held during the year 1915, and that the preparation of a program be entrusted to the Administrative Council of the Permanent Court of Arbitration at The Hague.—Ed.

** The text of the Draft Convention of the Second Hague Conference relative to the creation of this court may be found in the report of the 1910 Mohonk Conference, p. 229, or in "Texts of the Peace Conferences at The Hague, 1899 and 1907," edited by James Brown Scott, Ginn & Co., Boston, 1908, p. 141.—Ed.

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boundary line of 4000 miles. We rejoice that the plans for the proposed celebration include the official participation of many nations, and urge the widest possible co-operation in this commemoration of the triumphs of a marvelous century of international good will and of progress toward international justice and righteousness.

SUPPLEMENTARY RESOLUTION*

(The following resolution, submitted by the Press Committee, was unanimously adopted by the Conference.)

In view of the powerful influence exercised by the press, be it resolved that it is the sense of the Twentieth Lake Mohonk Conference on International Arbitration that the cause for which we are striving would be aided and encouraged through the convening of a congress of editors in Washington, D. C., for the discussion of international arbitration and for the awakening of the public conscience to the advantages of a peaceful settlement of differences arising between nations.

* For an important resolution adopted by the official delegates of business organizations, see proceedings of the fifth session.—Ed.

THE TWENTIETH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

First Session

Wednesday, May 27, 1914, 9:45 A. M.

The Twentieth Annual Lake Mohonk Conference on International Arbitration met in the parlor of the Lake Mohonk House, Mohonk Lake, N. Y., on the 27th of May, 1914, at 9:45 A. M. About three hundred members were present as the personal guests of Mr. and Mrs. Daniel Smiley. In welcoming them, Mr. Smiley said:

REMARKS BY MR. DANIEL SMILEY

It is not possible for Mrs. Smiley and me to express the happiness we have in welcoming you to this twentieth conference on international arbitration.

An arriving guest greeted me with the comment that it must take some courage to call a conference on international arbitration in these troubled times. We have been so busy making arrangements that this view of the situation had not impressed me, and on thinking it over with some deliberation since, why should it?

If the thought was that, with the possibilities of war brought so close home to us and our personal interests so aroused and our nerves a bit on edge, the primeval savage in our nature is yet so untamed that a few hundred American gentlemen, and American ladies too, cannot meet and discuss methods of preventing war, without danger of our ungoverned passions making an unholy spectacle of us, then I can answer cheerfully that other conferences under this roof, particularly the one in 1898, show that such fear is groundless. Their calm discussions, broad toleration and generous courtesy indicate that this conference is very unlikely to furnish startling headlines for the yellow press.

If, on the other hand, it was meant that amid rumors of war it is useless to talk of peace, I conclude that the argument is all wrong. When a man is threatened with sickness is the very time he needs medicine and care. When possibilities of war are near at hand is the very opportune moment to study methods of averting it. So I am not ready to claim credit for courage nor accept blame for rashness, but on the contrary, I invite your co-opera-

tion in a quiet, common-sense, business-like way to consider righteous methods of pushing far from us and from all civilized peoples the common enemy of individual happiness and national prosperity.

The name of our conference has been continued unchanged although great progress has been made since its early sessions. The name, in the estimation of most of us, now stands for almost any kind of method for settling international disputes wherein the exercise of reason is substituted for brute force.

It was conceded from the beginning that arbitration seldom gives exact justice to both parties and sometimes to neither party; that it is frequently brought about by concessions from one party and often from both; but that, whatever its imperfections, it may be entered into without loss of national dignity or prestige and concluded with far less expenditure of all that is dear to a civilized people than can war.

So long as there are peoples backward in development, or within civilized nations numerous individuals of lawless tendencies, it does not seem that the world can dispense with the policeman's club, and there are times when it appears needful for that club to be reinforced by armed power both on land and sea; but otherwise the march of events since this conference began gives us reason to hope that wars will diminish in frequency to the point of vanishing and that the rate of diminution will be in proportion as some reasonable substitutes can be devised and set in operation through a public opinion encouraged by this and other bodies working with like purpose. (Applause.)

It gives me the greatest pleasure to introduce as our presiding officer one whose good influence in former conferences has been strikingly felt,—recently Counselor for the State Department, a member of The Hague Court, and known throughout the civilized world as a foremost authority on international law—the Hon. JOHN BASSETT MOORE. (Applause.)

INTERNATIONAL ARBITRATION—A SURVEY OF THE PRESENT SITUATION

OPENING ADDRESS BY HON. JOHN BASSETT MOORE, LL.D.

In assembling for the Twentieth Annual Lake Mohonk Conference on International Arbitration, it is appropriate to survey existing conditions, in order that we may take our bearings.

If we were to compare the international situation at the present moment with that which existed in the spring of 1895, when this Conference first met, there would be little to justify a feeling of hopefulness. It is true that the international situation was not at that time by any means clear. Great Britain's controversy with the Boers was beginning to loom on the horizon; the second

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insurrection, which ended in the intervention of the United States, had just broken out in Cuba; and the combustibles which a few months later produced the explosion over the Venezuelan boundary were with an occasional premonitory report actively accumulating. On the other hand, the process of arbitration had then lately been applied or was in course of application to certain important matters. In February, 1895, the President of the United States handed down his award in the dispute between Argentina and Brazil in regard to the title to the Misiones territory. Within the preceding two years the tribunal at Paris had rendered its judgment on the Bering Sea dispute. At that moment it could not be foreseen that arbitration would be employed for the adjustment of the Venezuelan boundary, for, as has been intimated, the controversy had not then reached its acute stage. But we now know that arbitration was in the end successfully invoked, and that this was followed by the conclusion of a remarkable general treaty of arbitration between the United States and Great Britain, which barely failed to secure the necessary two-thirds vote of approval in the United States Senate.

What the immediate future may now hold in store in the way of actual arbitration it is not possible to predict; but the cases that have occurred during the past two years have not been in any respect notable. They have for the most part related to simple pecuniary questions. Perhaps the most important of them is that which is now pending before the Permanent Court at The Hague, between Portugal on the one side, and France, Great Britain and Spain on the other, in relation to claims against Portugal growing out of the seizure of the property of religious orders in that country by the Portuguese Government on the proclamation of the Republic. For the purpose of rendering a judgment on these claims a tribunal of three persons has been established at The Hague, from the list of the Permanent Court, the president of this tribunal being the Honorable Elihu Root.

On the other hand, the past two years have been marked by armed contests of exceptional destructiveness. In the Balkan Peninsula the Allied Powers, after their victorious contest with Turkey, quarreled among themselves and engaged in a conflict which involved a greater loss of life and was characterized by even greater ferocity than the preceding collision with their common adversary. The stories of what took place during the war between the allies are still the subject of investigation; and there is only too much reason to apprehend that the end of hostilities in that quarter of the globe is not yet in sight. In other parts of the world there have been civil conflicts, the most considerable of which is that which is still going on in Mexico.

These lamentable events merely illustrate the course of human history. Human progress never pursues a uniformly forward course. Judged by particular junctures, every century furnishes occasions when the outlook of good causes is discouraging if not almost hopeless. At such times it is necessary to rise above present conditions in order to take heart for the future.

During the twenty years since this Conference came into existence there can be no doubt that the cause of international co-operation, which is vitally connected with the cause of international justice and peace, has made striking advances. Of these advances the most remarkable is found in the two Hague Conferences of 1899 and 1907, by the former of which was established the Permanent Court at The Hague.

Expressing my individual opinion, I do not hesitate to say that the Convention for the Pacific Settlement of International Disputes, which was signed at The Hague July 29, 1899, is the highest achievement of the past twenty years in the direction of an arrangement for the peaceful adjustment of international controversies. This convention, as is well known, provides not only for arbitration but also for mediation and for international courts of inquiry. The numerous treaties since concluded for the purpose of making arbitration obligatory in certain cases do not, in my opinion, represent a general advance, and certainly do not represent an advance on the part of the United States. As this question is not devoid of practical importance, I will venture to give a brief explanation of my precise meaning.

The Hague Convention, although it does not in terms make arbitration obligatory in any case, excepts nothing from the scope of arbitration, thus leaving the parties free to apply the process to any and every question for the solution of which they may see fit to employ it, without discouraging in advance its application to any class of questions or furnishing a ready means of avoiding the resort to it. The numerous treaties since concluded for the purpose of rendering arbitration obligatory are based for the most part on the treaty between France and Great Britain which was signed October 14, 1903. The first article of this treaty reads as follows:

"Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague, provided, nevertheless, that they do not affect the vital interests, the independence or the honor of the two contracting States, and do not concern the interests of third parties."

On reading this article the first thing that strikes one is the fact that the most important part of it is that which specifies the exceptions. The only obligation which the article imposes is

the arbitration of differences "of a legal nature or relating to the interpretation of treaties;" and it is to be observed that questions affecting the "vital interests," the "independence" or the "honor" of the parties, or concerning the "interests of third powers," are mentioned not by way of antithesis to this obligation but as qualifications of it. So far as the United States and Great Britain are concerned, the clause therefore ran far behind their actual practice, for they had on numerous occasions submitted to arbitration questions which had been considered as affecting the "honor" of the two parties. This was particularly true of the Geneva Arbitration relating to the Alabama Claims, the arbitration of which, when first proposed by the United States, was declined on the express ground that the controversy affected the "honor" of Her Majesty's Government.

Nevertheless, the Government of the United States, no doubt urged thereto by those who desired to advance the cause of international peace, signed treaties with various powers in the precise terms of the British-French arrangement. These treaties, however, encountered an obstacle in the United States Senate. Following the terms of the British-French arrangement, they provided that the contracting parties should in each individual case, before appealing to the Permanent Court of Arbitration, conclude a "special agreement" defining the matter in dispute, the scope of the arbitrator's powers, and the procedure to be followed. The Senate amended this clause so as to require its own advice and consent to be given in each particular case. The effect of this amendment was to require a new treaty to be made before any question could be submitted to arbitration. Because of this amendment, the President of the United States, in 1904, withdrew the treaties from the Senate, and they were for the moment abandoned; but in 1908 they were again taken up and the amendment was accepted, so that the "special agreement," which must precede any actual resort to arbitration, can now be made only "by and with the advice and consent of the Senate."

The result of this action is that, so far as the United States is concerned, it is in practice more difficult to secure international arbitration than it was in the early days of our independence. Although this statement may occasion some surprise, its correctness may easily be demonstrated.

Prior to 1908 it was the practice of the United States to arbitrate pecuniary claims against foreign governments without concluding a formal treaty. As an example of this procedure I may refer to the agreement between the United States and Spain, effected by an exchange of notes on February 11-12, 1871, under which all claims of citizens of the United States against the Government of Spain, for wrongs and injuries committed against their persons and property by the Spanish authorities in Cuba

since the beginning of the insurrection in 1868, were submitted to a mixed commission composed of two arbitrators and an umpire. These claims involved questions of great international importance, including the validity of decrees of the Spanish Government and of legal proceedings against both persons and property in Cuba. Indeed, questions analogous to those involved in the celebrated case of the *Virginus* eventually came before the commission, as well as many delicate questions of nationality or citizenship. The commission remained in existence more than ten years, and the claims presented to it amounted to more than \$30,000,000, exclusive of interest. The awards amounted to nearly \$1,300,000.

The first case submitted to the Permanent Court at The Hague under the convention of 1899—the well-known case of the Pious Fund of the Californias—was submitted under a simple executive agreement. Other examples might readily be given; but it suffices to say that, where the settlement embraced claims against the foreign government alone and not against the United States, twenty-seven of our international arbitrations up to 1908 were held under executive agreements as against nineteen under treaties. The former method is now forbidden by the treaties of 1908, so far as they apply.

Again, it was formerly the practice of the United States to make general claims treaties or conventions, for the submission of all claims of the one government against the other arising during a certain number of years—perhaps as many as thirty or forty years—to a mixed commission, without discrimination and without specification of the particular claims.

Since 1908 what do we witness? We have now an international commission between the United States and Great Britain, called the American and British Claims Arbitration. By a convention between the United States and Great Britain, concluded February 8, 1853, it was agreed that “all claims” on the part of citizens of the United States against the British Government, and “all claims” on the part of British subjects against the United States, which had arisen since the signature of the treaty of peace of December 24, 1814, should be referred to a mixed commission. This convention was duly carried into effect with great satisfaction to both governments. But when, in 1910, the agreement under which the present tribunal is sitting was concluded, it was found to be necessary to specify and to submit to the Senate each particular case that was proposed for arbitration; and negotiations are understood to be now under way for a second schedule, after the conclusion of which it is not improbable that various claims will still remain unsettled.

It has been stated, and probably is a fact, that there was opposition to a general claims convention with Great Britain because

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bond claims perhaps might be presented to the commission. But it may be observed that claims were presented to the commission under the convention of 1853 growing out of the non-payment of the bonds of Florida and of Texas, and were disposed of by the decision of the umpire, who disallowed the claims. The same thing took place in respect of claims on account of the Confederate debt which were presented to the commission under the treaty of 1871.

I have referred to the convention of 1853; but it would have been permissible to seek at an earlier time for proof of a more liberal practice than that which now prevails. We may go back to 1794, and find in Article 7 of the Jay Treaty of that year a provision for the reference to a mixed commission of "all complaints" made by citizens of the United States for loss and damage by reason of irregular or illegal captures or condemnations of vessels or other property under color of authority of his Britannic Majesty, and of all complaints of British subjects on account of loss and damage suffered by reason of the failure of the United States to enforce neutrality within its jurisdiction. Here there was no specification or limitation, the two governments being evidently anxious to remove every cause of controversy by a sweeping arbitral settlement. It is a fact, perhaps not generally appreciated, that the British Government paid to citizens of the United States, under Article 7 of the Treaty of 1794, upwards of \$10,000,000, while a considerable sum was paid by the United States to British subjects. As we are somewhat prone to boast of leading the van in the cause of peace, it may be worth our while to consider whether we should not occupy a position more advanced than that which we now hold if we were to go back to the practice we adopted a hundred and twenty years ago.

During the past twelve months the Government of the United States has been actively engaged in an effort to bring about agreements with the powers of the world for the pacific adjustment of international disputes by means of international commissions of investigation. A year ago a paper, which has since been published under the title of "President Wilson's Peace Proposal," was handed to members of the Diplomatic Corps in Washington, to the effect that all questions in dispute, which diplomacy should fail to adjust, should be submitted to an international commission, pending whose investigation and report war should not be declared nor hostilities begun. This proposal was supplemented by a memorandum of the Secretary of State, Mr. Bryan, in which it was suggested that the proposed international commission, which was also to have the power to act on its own initiative, should be composed of five members, each government to choose two, one of whom should not be its own

citizen, and the fifth to be agreed upon by the two governments. A year was suggested as the time to be allowed for the investigation and report. It was further stated that the United States was prepared to consider the question of maintaining the *status quo* as to military and naval preparations during the period of investigation; and it was tentatively suggested that, pending such period, there should be no change in the military and naval programme of either party, unless danger from a third power should compel a change, in which case a confidential written statement of the fact by the party menaced was to release both parties from the obligation.

Salvador, by a treaty* signed on August 7, 1913, accepted the plan in its entirety. A similar step was taken by Guatemala and Panama on September 20, by Honduras on November 3, and by Nicaragua on December 17, 1913. Treaties omitting the clause as to military and naval programmes were concluded with the Netherlands December 18, 1913, with Bolivia January 22, with Switzerland and Costa Rica February 13, with Denmark April 17, and with Italy May 5, 1914. Treaties were also concluded with Portugal and Persia February 4, with the Dominican Republic February 17, and with Venezuela March 21, 1914. The form of the treaty with the Dominican Republic is exceptional, in that it combines the stipulations of the arbitration treaties of 1908 with the provisions of the "peace plan," except the clause as to military and naval programmes.

In all, fifteen treaties based upon the "peace plan" have been signed. It is understood that none of the agreements thus described has been submitted to the Senate, so that their fate cannot as yet be foretold; but it may be remarked that, with the exception of a very small number of all-inclusive treaties of arbitration, they represent an advance beyond previous arrangements, in that they propose to submit to investigation all questions in dispute, of every nature whatsoever, which diplomacy may fail to adjust. They do not bind the parties to arbitration, but expressly reserve to them independence of action after the report of the commission shall have been submitted. The underlying thought is three-fold: (1) That they furnish an honorable means of suspending controversy; (2) that the suspension of controversy will tranquilize the minds of the disputants, and (3) that the report of the commission of investigation probably will point the way to a fair and equitable adjustment.

It has sometimes been argued that the making of treaties for the preservation of peace is an idle task, because, in spite of all agreements to the contrary, wars will occur. This argument is obviously fallacious. Remedies for ills are not to be discarded

* For text of the treaty, see Appendix B.—ED.

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merely because they do not always prove to be efficacious. Circumstances no doubt may arise in which international agreements for the employment of pacific methods may, either by reason of defects in their terms or by reason of conditions, fail to be useful. But of the practical value of such agreements we have frequent illustrations. On two notable occasions the existence of The Hague Convention for the Peaceful Settlement of International Disputes, which I do not hesitate to pronounce one of the wisest treaties ever made, has served to facilitate the prevention or the arrest of hostilities. The first occasion was that of the Dogger Bank incident, when the organization of a court of inquiry under that convention, with the addition of a limited arbitral power, relieved a dangerous tension between Great Britain and Russia and resulted in a final and satisfactory settlement. The other illustration is now before us. Prior to The Hague convention, the tender of good offices or mediation without prior solicitation or consultation was usually regarded as an intrusive act, savoring of unjustifiable interference. By that convention (Art. 3) it was declared that "powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities," and that the exercise of this right could never be regarded by the parties to the conflict "as an unfriendly act." This stipulation paved the way for the tender of good offices or mediation made by the diplomatic representatives of Brazil, Argentina and Chile, at Washington, after hostilities were begun at Vera Cruz. The offer was accepted by the immediate parties to the conflict, with the result that an armistice between them was brought about. The mediation of the so-called A B C powers, no matter what may be its present result, is a remarkable event in the history of international relations in the Western Hemisphere. It has been hailed as the beginning of a new Pan-American diplomacy; and it may at any rate be regarded as the most striking development yet witnessed of the Pan-American movement which was formally inaugurated by the first International American Conference, at Washington, in 1889-1890. (Applause.)

The present survey would be incomplete without a further reference to the Peace Conferences at The Hague. From present indications it is not probable that the Third Conference will meet before 1916. The time that elapsed between the first and the second conference was eight years, and it was recommended by the second conference that the third should be convened after a similar interval; but the conditions growing out of the war over Tripoli and the wars in the Balkan Peninsula, to say nothing of the Moroccan and other international complications, caused delays in the taking of the necessary preparatory steps. In this situation, the government of the United States, on the 31st of

January last, sent out a circular in which it was proposed that, with a view to the holding of the conference in 1915, the work of preparation should be committed to the Administrative Council of the Permanent Court at The Hague—a body composed of the diplomatic representatives of the treaty powers at The Hague and therefore already in existence. Although this proposal was favorably entertained by a number of governments, the prevalent opinion of the larger powers, so far as it has been disclosed, indicates that the holding of the Third Conference before 1916 is not thought to be practicable.

After twenty years of fruitful aid and encouragement to the cause of peace and good will, the Lake Mohonk Conference on International Arbitration to-day faces the future with confidence and with hope. Mindful of the fact that injustice, whether real or fancied, produces discontent, and that the causes and effects of injustice are often exaggerated by popular excitement, we may not be justified in expecting the immediate and final ushering in of the reign of universal peace. Perhaps it may be unreasonable to expect that international wars will cease before civil wars end. In the one case as in the other, the maintenance of continuously peaceful conditions will depend upon the general improvement of political and social relations. And to the accomplishment of this end all well-disposed men and women may work together in the inspiring belief that in the affairs of the world enlightened public opinion plays a constantly larger and more decisive part. (Applause.)

The next thing on the program is the report of the Treasurer of the Conference, Mr. ALEXANDER C. WOOD.

REPORT BY MR. ALEXANDER C. WOOD, TREASURER

After presenting a detailed report, showing receipts during the year of \$1,892.43 and disbursements of \$1,879.53, with a balance of \$12.90, Mr. Wood said:

This balance is apparent only, because we owe a little more than \$300. We failed to raise money enough last year. The object of this Conference has been to educate public sentiment regarding international arbitration as a means of settling international disputes. We would like to let everybody in the world know what is done here, and the ideal way would be to have them all here. But as that is not physically possible, the next best thing has been to send out the printed proceedings which go broadcast over this land and throughout the civilized world. These reports cost very considerable money. The bare cost of printing and distributing these proceedings and like authorized publications is the only expense that we, as a Conference, are allowed to bear. The much larger expense of bringing the Con-

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ferences together, and of the employment of a permanent secretary, is entirely borne by Mr. Smiley, as are many other office expenses which do not come to our view at all. We ought to raise about \$2,500.00. The Treasurer, wherever seen, will always have an open hand. (Applause.)

Mr. DANIEL SMILEY announced the officers of the Conference, a list of whom will be found on page 2 of this report.

The CHAIRMAN: I have much pleasure in presenting to you Mr. JOHN A. STEWART, of New York, Chairman of the Executive Committee of the American Peace Centenary Committee.

THE UNIVERSAL PEACE CELEBRATION

REMARKS BY MR. JOHN A. STEWART

I do not wish to make an address, but simply to talk to you concerning what has been accomplished since an American and a British Committee have been at work in furtherance of the movement to celebrate the centenary of peace between America and Great Britain.

Five years ago, in association with this Conference, a Committee was organized to bring about a fitting and an adequate celebration of the centenary of peace. That movement, which began with less than twenty-five members, to-day embraces every nation of the English-speaking world and has a virile, active membership in excess of twenty-five thousand. Now I am told that in the fifty or sixty years of the actual peace movement, the aggregate membership of all the peace organizations in the United States never has exceeded seven or eight thousand. The membership of our American Peace Centenary Committee to-day is composed of over ten thousand Americans and every one of them is active in the movement and in the five years of our existence there have been only three resignations.

Now what have we accomplished? I have in my hand the fourth annual report of the American Peace Centenary Committee and it is in every way fitting that this report should be fresh from the press and that it is to you that this report should first be made.

Professor William A. Dunning, President of the American Historical Association, has been at work for nearly a year and a half preparing an historical review of the centenary of peace. That review is now in the hands of Scribner's and in October will be issued. That history deals with the peaceful relations between two great nations, and in it war is incidental. In that, I think it is unique among histories. It will be circulated in every part of the English-speaking world, and ultimately we hope to have it translated into other languages.

STEWART

On the other side of the water, the British Committee has purchased, as a place of pilgrimage and as a most interesting relic, Sulgrave Manor, the ancestral home of George Washington. The board in charge, of which the American Ambassador is Chairman *ex officio*, is preparing for its dedication next June. A board has been created, composed of ten Americans and ten citizens of the British Empire, and they will own Sulgrave Manor for the sentimental uses of the people of America and of the people of the English-speaking world. (Applause.)

But Sulgrave Manor is eighty-five miles from London, rather hard to reach, and can be viewed and cherished only by a few; therefore, to utilize the sentiment which surrounds the name and fame of George Washington, the board of control, under resolution, has made the beginning of the Sulgrave Manor Institution, to which we hope to transfer the membership of our Peace Centenary Celebration Committee and establish for the first time in history an institution whose work and purpose should be the fostering of friendship and the prevention of misunderstanding among nations; and we know from assurances of support which have come from many eminent men throughout the English-speaking world that the Sulgrave Manor Institution next year will take its place among those organizations which are working in the cause of peace. (Applause.)

Another concrete thing accomplished has been to gain the assent of the United States government to an issuance of a special series of memorial postage stamps, to appear, as I understand it, in October. The Secretary of the Treasury and the Director of the Mint have also approved a project to issue a special memorial coin, and a bill permitting that has been introduced in Congress.

Among the states, Virginia has responded most nobly and generously. Its Legislature has passed two bills, one setting aside the 17th of February as a state holiday and a day of general celebration, and another appropriating money for a replica of the Houdon statue of Washington, the chief ornament of the Capitol in Richmond, and its presentation by the Old Dominion Colony to the Mother Country. This gift has been accepted by Mr. Asquith with the thanks of the government of Great Britain to the state of Virginia, and the presentation will be one of the functions in the London celebration in the spring.

Through Lady Paget, born an American, a statue of the great "Commoner," William Pitt, Earl of Chatham, will be presented to the people of the United States, to be erected, I believe, in the Capitol at Washington.

Again, under the auspices of a committee of eminent standing, representing the Rocky Mountain states, a very considerable sum has been raised to erect a noble monument, on the highest pin-

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nacle of the Rocky Mountains, as a memorial of the celebration and of that peace which this great country hopes will characterize its relations with the other nations.

The Celebration Committee of the state of Louisiana has created a considerable fund, which it has given as prizes to school children for the best essays on the subject of the peace centenary.

Several great medalists are at work on a memorial medal, which will ultimately be issued as a peace-offering to other countries and which will be given to all members of our American Peace Centenary Committee.

One great concrete accomplishment has been the incorporation in the state of New York of the Museums of Peaceful Arts, and of a probable benefaction and gift made to the incorporators for the erection of one of a group of buildings which will be called the Museum of the Peaceful Arts, and which will house many great inventions of the ages for the education of the youth of this country. Among the incorporators of the Museums are men like Thomas A. Edison, A. Barton Hepburn, Jacob H. Schiff, Robert E. Peary, Louis Livingston Seaman, Theodore N. Vail, Henry R. Towne and F. A. Vanderlip. I am happy to announce that there is a million and a half in sight for the beginning of this enterprise.

The celebration will make its contribution as well to literature and to art. The colleges and universities are taking great interest in the celebration and many of them intend to confer degrees upon those men of outstanding fame of the English-speaking world who visit America in connection with the celebration.

One of the contributions of the city of Ghent will be a dinner, to be given on the evening of the 5th of January, next year, in the same room in which a dinner was held on the same date one hundred years ago, given by the Municipality to the Joint High Commission. The toasts will be the same as those responded to one hundred years ago. Belgium also intends, as I understand it, to purchase the Carthusian Monastery in which the Treaty was signed, and set it aside as an historical museum for the benefit of future generations.

The committee has organized local committees in eighty-six cities and towns. All the great cities, through committees, are contributing to the success of this movement. Chicago, has, I believe, practically underwritten a considerable sum to meet the expense of celebration. Other cities are taking an advance interest in the celebration, among them Boston, Philadelphia, Washington and San Francisco, and all over the land next year in numberless localities this celebration will be held. The governments of Great Britain, of Australia, of Canada, of New Zealand, of Newfoundland, have declared their purpose of taking official part in the celebration. And I am most thankful to say,

and say it out of the fullness of my heart—because I have been at work on the job for three years—that at last the state of New York has passed legislation in favor of giving us an appropriation! (Applause.) We hope within the next thirty days to give out the same cheering news in regard to the Congress of the United States, because I have been told that undoubtedly within the next thirty days we shall get national approval of the celebration.

Although I have just begun to tell you of the things that have been accomplished, I would like to say just one word, Mr. Chairman, as to the *why* of this celebration. If in all the years the advocates of the peace movement have been at work, at any one time only ten thousand—a very inconsiderable number when taken in relation to our population—have become interested enough to become members of a peace movement, and if four years ago an opportunity presented itself to twice as many lovers of peace, to impress the popular mind with some of the practicable purposes which we are striving to accomplish (for as an intellectual pastime the peace movement is not a stupendous success, and it never can be), then I regard, and I believe you also regard, this opportunity to celebrate the centenary of peace as a God-given opportunity to bring home to the great mass of people of this world that there is in the world one movement at least to extol, in the way battles have been extolled, peace, without which there can be in no part of the world that industrial progress, that happiness to which all mankind are entitled. (Applause.)

The CHAIRMAN: In view of what Mr. Stewart has just told us of the part Virginia is taking in the pending celebration, it is peculiarly appropriate that I present to you at this time Mr. JOHN STEWART BRYAN, Editor of the *News Leader*, Richmond, Va.

THE ANGLO-AMERICAN PEACE CENTENARY CELEBRATION

REMARKS BY JOHN STEWART BRYAN, LIT. D.

I don't know that ever in my young and harassing experience of public speaking have I felt more non-plussed than now; for I feel the impossibility of bringing before you much that is new. The only benefit I can hope from this occasion is a benefit to myself, not because I am suffering from suppressed conversation but because it does a person good to express his belief, as we say, a creed. It will do me good to carry back to Virginia the memory of the reception you have accorded Virginia to-day. It will do me good to look into your faces and see what you stand for, if thereby I may strengthen my own belief and establish my

own conviction. So I will jump straight over all the cost of war, the billions we have spent, the lives lost, the desolation and barbarism of it. I will not pile up enormous, gigantic statistics of its past cost in life and blood and civilization, because you know them all and I might get them wrong. I will go straight to the thought that has been in my mind for certainly fifteen years and tell you what I tell everybody every time I get a chance. It is just simply this.

As Mr. Stewart has said, this occasion of a century of peace is a God-given opportunity not for the glorification of men who need no glory, but for the enrichment of the lives of those who are poor and wretched and blind, and who need sight, riches, and healing of the mind. It is an opportunity to enrich lives that would otherwise stay starved, narrow and poor. It is an occasion whereby we may emphasize in a way we may never have again, the dynamic, kinetic, active, impulsive principles of peace. I found out long ago that there was nothing in making people good or trying to make yourself good by mere negative inhibition. You must find some positive appeal, something that will override the old Adam. You have to give a man a magnetic impulse to pull him away from what would otherwise pull him down; and the question—the whole question of civilization in the mass, the whole question of life for the individual—is, how to do it.

I know something about war, because I was born six years after the war closed. (Laughter.) At the age of five I drove to town ten miles a day to a kindergarten to make sachet bags—why, I never knew. (Laughter.) I drove with my father who had been one of Mosby's little band of three hundred men who had killed ten thousand, who had been cutting the railroads and capturing wagon trains—a splendid brigandage. And he used to tell me about it. And I said, "Wasn't it fine?" And Father said, "No, it was not fine. No, it was horrible. It was awful to ride over a field of battle and see your stirrup companion lying freezing in the snow, bleeding to death, and have to go off and leave him." Father told me about a splendid dun horse and a charge they made, and some one shot the horse in the jugular vein. The horse was wildly plunging and the blood spurted down his breast. "No," he said, "That is not fine. It is awful." But you must admit that it has an appeal. There is an appeal for war. I don't mean the kind of appeal that was made to Hans Christian Andersen's soldiers or to the Hessians. I mean an appeal to the kind of soldier who goes out under an impulse of associating himself with his fellows in some great and lofty enterprise. There is no loftier enterprise than the risk of sacrificing your life. There are really but three great enterprises in the world—birth, death and marriage—and you can escape one

of them. (Laughter.) The risking of life is the loftiest enterprise a man can enter upon, and that is the reason men go into war and why it has this irresistible appeal to the young. If you have ever been at a Confederate Veterans' camp meeting or a Grand Army camp meeting, or if you were at Gettysburg last year, you would see this immeasurable ascendancy of this appeal over the mind of the old. What is the reason for it? You have to find a reason, and offer a better reason or you will never break it down. I think I know the reason. I think the reason is that of wars of that sort you find all through the Bible, all through the Liturgy, all through the visions of the Prophets; and what was it? Why, it was the union of many insignificant people into one invisible whole for the accomplishment of a purpose of eternal value, as they saw it. A man does not mind dying when the people he loves and admires are dying alongside of him for the same cause he loves. He is elevated by that thought out of himself into an enjoyment and a splendor of existence that could never be his if he were cloistered in a dove cote. What we have to find is not the mainspring of the brute instincts of the brigand—that blind spirit that drove Attila down over the plains of Europe to devastate and to ravage—but of the spirit that makes a young man feel, "I am in the service of my country; I have a most noble opportunity in war, because it brings out a quality of value that nothing else ever can."

I have not come to glorify war. The only justification I have on earth for taking up twenty minutes of the time of this great assembly is the hope that I can weld these twenty minutes of peace into one bolt for the psychological effect of the value and opportunity that peace offers to a man to reach his highest and fullest and deepest existence. If we can lay hold of the skirts of the garments of that truth I am confident we may have life and have it more abundantly. We do not have to go to war to get it. If we can grasp that thought and see just once that great, splendid and glorious army of men and women marshalled by companies and battalions and armies who are working unknown, unthanked, in dark alleys and waste places to bring some of the richness and glory of triumph of life to themselves and others; if we can catch a glimpse of the vision that Parsifal caught the first time he saw the Holy Grail; then I think no man afterward would say that life was common or unclean, that it was dull, that he was enslaved by routine, that he was a victim of customs, bound down by the unbreakable ennui of existence. Because if he saw it once, the whole curtained glory of the opportunity of what Bergson calls lifting yourself above yourself and creating something out of nothing by the sheer act of human will—that whole curtained glory would be his, and he would lay hold of it.

This is what I want to say: cannot we grasp this idea, vitalize it, take it home, spread it, and so make this peace centenary something that will be of dynamic value to people who would otherwise be without it? (Applause.)

Goldwin Smith said that the action of a great force is often superseded by that of secondary forces, but in the end the great forces prevail. He might have said if you put a big rock on a lot of paper bags, the paper bags will hold it awhile, but after awhile it will crush them down. I thought that would be a splendid way of showing that the principle of peace would in the end overcome the principles of barbarism. But I found something better. It is the preface to Victor Hugo's *Les Châtiments*; "The all-powerfulness of evil has never ended yet but in impotence. Thought always escapes every effort to stifle it. By its very nature thought is above all powers of mere brute force and it takes refuge in this or that form only to reappear. The torch flames forth, and if it is put out, if it is engulfed in darkness, the torch becomes a voice, and there can be no night for words. If a gag is forced in the mouth of the protestant, words change to light, and you cannot gag light. Nothing can subdue the conscience of men, for the conscience of men is the thought of God." And, I may add, the conscience of men is against war. (Prolonged applause.)

The CHAIRMAN: I know we shall all be glad to hear something on this subject from Hon. W. L. MACKENZIE KING, of Ottawa, former Canadian Minister of Labor.

THE CENTURY OF PEACE

REMARKS BY HON. W. L. MACKENZIE KING *

When I had the great privilege of addressing this conference four years ago, my subject was the proposed celebration of one hundred years of peace. Since that time this proposed celebration has been coming rapidly nearer accomplishment. I would like, however, to emphasize one phase which it seems to me has not received the attention it deserves. After all, there is in this opportunity before the English-speaking world one of the greatest opportunities ever given to the people on this globe, if we may realize the significance of the event, not merely to ourselves who may be participators, but to all the nations of the world.

In a celebration of this kind, two elements particularly enter. One is the element of time. On that a great deal of emphasis has already been laid. We speak with pride of the completion of

* Mr. King spoke at the fourth session, but his remarks are printed here for their connection with the preceding speeches.—ED.

a *century* of peace. But there is, in addition, the important element of space, and on that I would like to say a word.

Lying behind this century of peace, in a way, we have stretching across the continent of North America a great international frontier, between three and four thousand miles in length, along the whole of which there is not a single armament worthy of the name, a fort or fortress or munitions of war of any kind whatsoever. (Applause.)

There is a spectacle such as the world nowhere else presents. You have, between the largest republic and a part of what is the largest empire in the world to-day, a great international frontier, along the whole of which forts have been transformed into factories, arsenals into workshops—and there have been substituted for the rivalries of war the rivalries of the arts of peace, and for animosities the amenities of life. There is something which, it seems to me, these great peoples have an opportunity of bringing out in a fashion which will help to make that circumstance a contribution to the civilization of the world. (Applause.) After all, it was due to a little agreement, the Rush-Bagot agreement, drawn up shortly after the War of 1812 that the means of escaping from competitive armaments was found on this continent. We agreed to limit the naval force on the Great Lakes to four vessels, not exceeding one hundred tons burden, each carrying one eighteen-pound cannon. Through that little agreement, the peoples of North America have been spared the curse of Europe—the competitive arming of one country against its neighbor. (Applause.) And in this celebration, we should draw the eyes of the whole world to the circumstance that this boundary line has existed for a century in the condition and for the reason mentioned.

One other thing. I doubt if any of us begin to appreciate in its historical perspective the real significance of this movement in the march and progress of the world. The other day, in reading the life of that great French scientist, Pasteur, I found a significant passage. Pasteur helped to disclose to the world those invading myriads which come within the human frame and there wage a mortal struggle that often works destruction of individual lives. Lifting his eyes from the microscope and molecules, he looked out into the world and there discovered on the face of humanity that same struggle which the microscope had revealed. He said that in the world of to-day are two contrary laws: the one, the law of life and of health, ever seeking to rid humanity of the fears and the curses which beset it; the other the law of death and of blood, ever seeking new means of destruction, ever causing nations to be constantly preparing for wars against each other. Under the one law, one life is worth more than a hun-

dred victories; under the other a thousand lives would be sacrificed to the ambitions of one. There, ladies and gentlemen, is a thought which we do well to comprehend. (Applause.)

This celebration of a century of peace gives an opportunity to a continent to show the world on which side it stands in this struggle to mark out the progress of mankind. That phase, it seems to me, should commend itself to all men and women. Let us not think this is some little trumpery affair, for here we have an opportunity to show the world that by this unfortified line running between the two great countries, by this century of peace, we on this continent have helped to work out the accomplishment of an epoch in the cause of Christianity itself.

And perhaps just one word further in conclusion. We have heard this morning of the generosity of the people of this country to Great Britain and we have also heard of the generosity of the people of Britain to this country. But back of all this I want again to emphasize the significance of this thing to the nations of the world and in that connection something of a spectacular nature must be had which will help to stir the imagination of the whole civilized world.

Now, there is a fourth reason, one coming within the last two weeks, which makes it seem to me all the more important that we should lay especial emphasis on this celebration and which is, in connection with this celebration, one of the particularly bright spots on this continent. I refer, of course, to Niagara Falls, as the place of mediation in regard to differences between Mexico and this country. In the choice of Niagara Falls as a meeting place there is something vastly significant. There on the very scene which one hundred years ago was a scene of conflict there is, through the wonderful workings of the plan of God and the ages, the transformation of a field of massacre into holy ground; and that is one of the changes that have come about in this century of peace. (Applause.) Something should be done to bring out the significance of this mediation, and the result of it, whatever it may be, at the place where it is being held at the present time.

There in the scene of exceptional beauty between the two countries, in view of what has since transpired, in view of what is transpiring there now, you have in imagination the hand of God planning Nature's temple of reconciliation for the present and for the years to come. (Applause.) Never again can America take a position that would put her behind the exalted and noble position in which she is at the present moment. Do not let us fall short of a recognition of the greatness of this thing. Think of our friends from Latin America being the mediators at the present time; think of the little Dominion of

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Canada to the north being the scene of that big mediation; think of the power of this great nation waiting patiently that peace may be restored where a mass of men are unable to settle their differences among themselves! There you have romance, there you have poetry, there you have prophecy,—a new world with an opportunity such as the world hitherto has not had! Let us rise up to the level of that opportunity! (Applause.)

In the old days in Scotland and elsewhere, when trouble was brewing they lighted a beacon fire on one of the hills, and a man in the distance seeing that fire lighted rushed to light a fire on his hill, and in a little time the whole country was ablaze, and every man was ready to defend his country against invaders. I should like to see a beacon fire lighted and a rocket fired on the Atlantic coast, and beacon lights lighted and rockets fired all the way from the Atlantic to the Pacific at a stroke of the clock, so that this world would illumine that great international frontier which stands to the world to-day as the greatest international possession held by any nations of the earth.

One thing further in regard to Niagara Falls. There, too, I think we should have a special celebration. I do not care what form it takes; but there is one thing I would like to see done there if possible.

I think there could be nothing more appropriate than that the peoples of this country and the peoples of the British Empire, coming from whatever part of it they may, should stand on either side of the banks of Niagara, near that part which was the scene of conflict a century ago, which is the scene of mediation at the present hour, and that after they have sung their national anthems they join together in the words of that grand old hymn,

“Oh! God of Bethel, by whose hand
Thy people still are fed;
Who thro’ this weary pilgrimage
Hast all our fathers led.

“Our vows, our prayers, we now present
Before thy throne of grace:
God of our fathers, be the God
Of their succeeding race.”

There is a hymn, there is a prayer, my friends, in which all can join. Let us not miss an opportunity of this kind to link the sacred history of antiquity with the current politics of to-day and give to the world a glimpse of the vision of God through the ages in the work that he has for men! (Applause.)

The CHAIRMAN: Mr. E. H. SCAMMELL, of Ottawa, Secretary of the Canadian Peace Centenary Committee, will now address us.

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CANADA'S PART IN THE PEACE CENTENARY

REMARKS BY MR. E. H. SCAMMELL *

I only propose to supplement the information conveyed by my friend, Mr. Stewart, by a few details in regard to the work we in Canada are doing towards consummating an adequate celebration of the one hundred years of peace.

On Christmas Eve of this year it will be exactly a century since the Treaty of Ghent was signed in the old Carthusian monastery. As has been stated here by Mr. Stewart and by Mr. Mackenzie King, we hope on both sides of the boundary line to have a splendid celebration of this great international event. Our program consists of four main divisions: First, the erection of monuments and other visible memorials; second, the holding of services of thanksgiving in the churches; third, the conduct of an educational propaganda in the schools and universities, and last the holding of public festivities in a number of centers. Mr. Stewart gave you some details concerning the proposed monument. He did not mention, however, that it is our intention, if possible, to erect a series of monuments, possibly of identical design, along the international boundary. He did not mention either that we are working in close harmony with the churches. This celebration would not be what we intend to make it if we did not recognize that especial thanks are due to Almighty God for the blessings of a hundred years of peace. We have received assurance from the leaders of the various churches in Canada that they will be delighted to co-operate with us; and in connection with the committee in New York, we have arranged that Sunday, February 14, 1915, shall be set aside for special religious exercises and thanksgiving. The selection of that Sunday is due to the fact that the 17th of February, 1815, was the date when the Congress of the United States ratified the Treaty of Ghent, and when it went into full operation.

But perhaps the most important feature of the whole celebration is not that which concerns the erection of visible monuments—though that is by far the most expensive—but that which concerns the children. If we can impress on the children in our schools the significance of this celebration, we shall do more toward ensuring a continuance of the present good relations between the British Empire and the United States and the improvement of those relations than by any other course we can adopt. If you turn to our school histories you will find that the principal epochs and episodes are those of the martial character. I would not for one moment belittle the heroism of those who have stood for their country's honor in the past; but our com-

* Mr. Scammell spoke at the fourth session; but his remarks are printed here for their connection with preceding speeches.—ED.

mittee has felt that the time has come when we can teach our children in the words of the immortal Milton that "Peace hath her victories no less renowned than war." In fact, I would go farther than that and say that arbitration "hath her victories more renowned than war."

During the past one hundred years there have been many disputes between your country and mine; during the past hundred years the dogs of war have often had to be held tightly in leash. Yet every difficulty and every dispute has been amicably settled. In Canada we intend to bring these facts home to our children and we have, therefore, arranged with one of our leading history professors to write a series of pamphlets dealing with the various international agreements which have made this long peace possible. I am happy to be able to tell you that every minister of education or superintendent of education in Canada has promised his cordial co-operation and the co-operation of his department of government in the dissemination of this literature in the various schools of the Province. (Applause.) So we hope to reach all the schools and through the schools the children. In order to induce the children to take an interest in this matter, we intend to have a series of prizes for essays, dealing with the subjects treated in these pamphlets; these essays will probably be written sometime next May and will be adjudicated upon by Provincial and Dominion boards. I hope that it will be possible to print and circulate the winning essays not only in the Dominion but also in this great country, and that whatever steps are taken by the education committee here toward similar essays will result in the publication and distribution of those essays among our children in Canada.

Briefly, I would like to give you some idea of the educational side of this program which I propose to issue in a few days in a pamphlet which is now in press. They are:

"(a) The preparation of a series of leaflets or of pamphlets dealing with the various treaties with the United States, the events which led up to such Treaties, the negotiations which took place and the general results secured.

"(b) The issue of literature dealing with the results of the long peace and setting forth the efforts which from time to time have been necessary to preserve it.

"(c) Arrangements for an interchange of shields between schools in cities, towns and villages in Canada with cities, towns and villages in the United States where such places bear identical names.

"(d) The preparation and issue of a general programme for all the schools which are taking part in the celebration in the centers of celebration, to include details of suitable pageants, etc.

"(e) The preparation of tableaux and masques depicting the

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signing of the Treaty of Ghent or other historical events for production in every school in Canada.

“(f) The issue of a number of recitations and patriotic songs, with music, for use in schools or in connection with the general celebration, such recitations and songs to be issued either specially or with some of the foregoing.

“(g) Arrangements for competitive essays in schools, to be planned for the different grades.”

There is just one point in that list of subjects to which we should like to call especial attention. I have discovered that we have in Canada between three thousand and four thousand places bearing the same name as corresponding places in this country. As a result of consultation we have decided to ask the children in the schools in those places to subscribe for a shield which can be presented to a school in a place which bears a similar name in this country. And I should like to have the same thing done here, in regard to the schools in Canada, so that there will be a reciprocal exchange of these shields, suitably inscribed with names and dates and at the bottom the words: “It is our will that the peace which has lasted for a century shall continue forever!” If that is made the slogan in the schools in Canada and in this country, we shall have growing up a race of men and women who will consider any possibility of armed conflict a thing not to be thought of at all. (Applause.)

In addition to this educational propaganda we propose to have a number of centers of celebration. There will be about one hundred, stretching from the Atlantic to the Pacific, and I received word the other day from the commissioner of the Yukon Territory that the city of Dawson and the town of White Horse, away off in the Arctic circle, intended to join with the rest of the cities and towns in Canada in this general celebration. (Applause.)

I have been asked what is the good of all this, whether it is not mere froth and sentiment. I have usually replied that there is some sentiment in it, and as my friend, Mr. Mackenzie King, so ably expressed it, we have a lesson to teach to the nations of the world. But there is more than this: There is the necessity for you to know us better, and the necessity for us to know you better, and I do not think there can be any better plan than for us at our centers of celebration to exchange speakers; for us to send you a speaker from Canada and for you to send us a speaker from below our international boundary. Then we will learn something. For this is a great educational movement, educational for ourselves and educational for the peoples of the world. We are going to tell them about this international boundary of our, a boundary garrisoned,—garrisoned to the teeth,—not, however, with hungry forts gazing into hungry forts, but by the

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sentiment and common sense and sound good will of two sovereign peoples. (Applause.)

The CHAIRMAN: We shall now have the pleasure of hearing of the recent development of the Peace Movement in America from Mr. ARTHUR DEERIN CALL, of Washington, Executive Director of the American Peace Society.

THE RECENT DEVELOPMENT OF THE ORGANIZED PEACE MOVEMENT IN AMERICA

ADDRESS BY MR. ARTHUR DEERIN CALL

The subject of my address indicates that I propose to present no study of the important early rise of the organized peace movement in America. Indeed I shall make no attempt to cover historically even the interesting later periods of its development. Neither do I aspire to express current broad developments and accomplishments of the arbitration movement, a service so conspicuously rendered at the opening of this assembly for thirteen of the first fifteen years of its honored existence, by my colleague and inspiration, the genuine, forward looking, and revered Dr. Benjamin F. Trueblood. (Applause.)

I have neither the time nor the ability to speak of certain definite and conspicuous services in the direction of peace organization in our country, such as the American School Peace League which labors in the sub-collegiate public schools; the Intercollegiate Peace Association, working in the colleges; the World Peace Foundation, with its indefatigable and omnipresent enthusiasm; the Carnegie Endowment and its subventionaires; the Church Peace Union; the Corda Fratres; and a few others. I can, however, speak intimately and in a measure officially of the American Peace Society, the society which assumes benignly the position of mother to all the other American peace organizations, the society which, by virtue of its age, honors, recognized accomplishments and traditions, has acquired, it is thought by some a mien somewhat parental and stately, a society which realizes, however, great unaccomplished tasks yet to be done.

The American Peace Society, an outgrowth of a number of peace societies existing at that time, was formally organized in New York City, May 8, 1828. The founder was William Ladd, generally accepted as one of New England's richest spirits, known throughout his generation as "The Apostle of Peace." He was the president and leader of the Society which he founded until his death in 1841. Worcester, Channing, Watson, Emerson, Whittier, Sumner, Burritt, are but a few of the names of those who held office in the Society in those early days, contributed to its paper, or spoke at its meetings.

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But the facts to which I would call your attention particularly relate especially to the accomplishments of the last five years. In 1909, for example, the American Peace Society, with a free field, had but seven branch societies. To-day, after removal to Washington three years ago and thorough reorganization, it has thirty-one constituent branches, an increase in five years of over 340%. To-day there are over 7,000 paying members of the Society, a small number to be sure amid our teeming millions, but it represents an increase in seven years of over 600%. In the last year the society has added to its paying membership 1,302 members. Five years ago the Society had six "auxiliary societies;" to-day it has in their place thirteen "Section" societies, an increase of over 100%. Sixteen new societies have been welcomed to its membership since January, 1913. Besides this the Society has two affiliated societies, namely, The Intercollegiate Peace Association, and the Peace Association of Friends in America which represents nearly one hundred thousand of that denomination. There are ten other organizations which co-operate with the American Peace Society, namely, those already mentioned, and also The American Society for the Judicial Settlement of International Disputes, the Lake Mohonk Conference on International Arbitration, the American Association for International Conciliation, the International Peace Union at Berne, and the Garton Foundation. (These ten co-operating organizations are not included in the figures and summaries to which I refer.) Our Society has divided the United States into five departments with a paid man at the head of each Department. The American Peace Society, exclusive of the ten co-operating societies, is, in brief, the largest peace society in the world.

The number of additional societies that could be easily organized is limited only by our resources. Friends stand ready in all the unorganized states. We have many letters urging early organization in Hawaii and Porto Rico. The complete and effective organization of the United States, it would seem, has, therefore, been more than half accomplished, and that for the most part within five years.

Among other interesting data pertaining to our last year's work may be mentioned some thirty formal dinners or luncheons, seven receptions, and the printing of thirty original pamphlets, and twenty other documents. During the last year fifteen hundred addresses have been delivered by one hundred and fifty different lecturers under the auspices of this organization. Practically seventy-five other organizations, business men's associations, clubs and the like, have been enlisted in the promotion of our work. A dozen of our societies maintain peace lecture bureaus, eight maintain information bureaus, eight maintain press bureaus. Six honorary presidents, forty-five presidents, three

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hundred thirty-one vice-presidents, five advisory councils, forty-six secretaries, nine boards of directors, twenty-eight executive committees, three entertainment committees, seven membership committees, three educational committees, three press committees, twenty-two employed officers and ten equipped offices are enlisted in our organized propaganda.

Considering again the relatively brief time included, the financial operations of our organization present an interesting illustration of rapid development. May first, 1913, the branches, sections and two affiliated societies had on hand \$8,727.21. They received during the year from individual contributions \$10,150.27. They received from subventions \$13,425.08, from special collections \$1,301.02, from memberships in the form of dues \$9,594, from the sale of literature \$71.79, from interest upon deposits \$94.30, from legacies \$1,500, from invested funds \$420.68, from other sources \$2,816.36. Adding to this other net receipts the grand total reaches the sum of \$74,308.16, an increase over five years ago of 340%.

The expenditures may be briefly enumerated: for salaries, head secretaries, secretaries and clerks, \$14,706.95; office rent, \$2,839.86; traveling expenses, \$1,323.57; telephone, \$560.73; printing and mailing, \$2,316.99; books and literature, \$287.81; postage, including express and telegrams, \$1,563.82; stationery, \$313.47; office supplies, \$865.53; extra help, \$1,566.80; office furniture, \$252.58; for the *Advocate of Peace*, \$2,180.75; miscellaneous, including prizes, \$7,525.96. Adding to this sum net other expenditures the grand total for the year reaches \$64,657.05, an increase in five years of nearly 320%.

If there were time I would describe the work of one of our societies which operates through a committee of seven with thirty-three churches and four clubs, and which conducts peace movement study courses. It would be of interest and importance to examine the growing influence of our societies with the press, schools, and other organizations. The distribution of our peace literature is rapidly growing. One group has during the year sent four thousand letters and resolutions to clergymen, promoted peace propaganda through university extension, and worked especially to counteract the anti-Japanese agitation on the Pacific Slope. Senators and Representatives feel already the influence of our societies. Two branches have employed each during the year an official lecturer. One society lays claim to an affiliated membership of 30,000. Itineraries by speakers, such as Mr. Angell, and Mr. Davies of Great Britain, have been made effective by our workers. Propaganda among labor organizations is growing. Increasing interest and respect among the newspapers, business organizations and the like is manifest. Our secretaries report an increasing confidence and courtesy from

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almost every quarter. One of our societies voluntarily voted to become self-sustaining for the last year, and it will probably continue to do so. Fraternity among the various workers is perceptibly increasing. All of the national peace congresses in America have been initiated and, in considerable part, directed by the American Peace Society. It has co-operated in unreportable ways with the Government, and it knows that it has influenced legislation and policies relating to arbitration and international justice. Tons of literature to writers, speakers, schools, colleges, and libraries are distributed each year in a continuous and increasing stream. The issuance of the *Advocate of Peace*, a monthly magazine founded in 1834, the circulation of which has increased fourteen times within twenty years, is continued. Its monthly edition has been recently increased to 11,000, a number representing an increase of 3,000 in less than two years. Over fifty peace pamphlets and as many books are constantly on sale at the society's headquarters.

Our Board of Directors fully recognizes the importance of co-operative effort. It believes that there is already a fine willingness on the part of most peace organizations to help each other for the sake of the cause. Selfishness holds no place in the movement. The belief that a national peace council, including a representative from every accredited peace organization, should be perfected is shared by our directors. The American Peace Society is such a council. Its functions in that direction will be developed in proportion as opportunity, resources, and understanding permit.

An ever recurring need of the hour in the peace movement is a new birth of statesmanship, of that deep quality of constructive effort which, recognizing clearly the lessons of national experiences, can codify and apply them to the needs and exigencies of the present. This I take it is an ultimate hope and promise of the anti-war party. We must, of course, rely upon the men who do things, the men of affairs, the holders of office, the chosen leaders in the councils of the nations.

But the organized peace movement in America depends first upon another quarter for its support and success. This is a nation of the people. Were this not so there would be no reason for a United States of America. The sure accomplishments in our national life must come from the intelligent appreciation and demand of the speakers, teachers, newspapers, and folks that together constitute us a homogeneous people. Any other interpretation of the means necessary to successful national accomplishment is subversive of our nation's life itself. You would exterminate disease? You must educate the people. You would reform the prisons, schools, churches? You must start with the people. You would correct abuses in taxation, transportation,

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public office? Tell the people. You would improve laws, institutions, inventions, ideals? You must begin with the people.

We have outlined some facts relating to the organization of our efforts. It is patent, however, that truth transcends facts, being more vital and dynamic than they. To find this truth means constantly to seek it. The peace movement has always had a very rich moral purpose. But the constant need is for a greater insight into the changing conditions here and now. Fearlessness, tolerance, the scientific spirit, will characterize increasingly our endeavors. Enthusiasm, tenacity, and eagerness to learn from the experience of others will aid immeasurably the victory. But organization until every hamlet is reached? Yes. Co-operation and wisdom to use effectively the practical means immediately at hand? I hope so. Our best thought, our best emotion, our best endeavor? Of course. These things will follow, if follow they may, the enlightenment of public opinion. There is one word, therefore, which the organized peace movement letters upon its banner,—it is the word *education*.

Whether we realize it or not, we are in the midst of a great political reformation in this country. This reformation springs from a growing public realization that the stupendous military burdens of the world are cruelly unnatural, wicked, and futile. Every intelligent person has a part to play in this impressive movement, this upward climb away from savagery and barbarism to human right-reason and justice. His part is to look squarely at the facts, to furbish his sword of right thinking, and to go forth to street, shop, office, church, school, and there to do his part toward slaying this dragon, this monstrous, devastating dragon of war. Such I conceive to be the duty and the privilege of each and of all. If the duty is to be effectively performed, the organized collective effort already begun must continue and expand until its high purpose is achieved. (Applause.)

The CHAIRMAN: The next speaker will be Dr. W. W. WILLOUGHBY of Baltimore, Professor of Political Science at Johns Hopkins University.

SUGGESTIONS AS TO THE FUTURE WORK OF THE MOHONK CONFERENCES

ADDRESS BY W. W. WILLOUGHBY, PH.D.

The major premise upon which these Mohonk Conferences are founded is this: that in most matters of controversy which arise between nations there is not an irreconcilable conflict which can be settled only by physical force measured in terms of men, finances, and munitions of war. The claim is that in most, if

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not all, of these disputes there are grounds upon which they may be peaceably adjusted in conformity with justice and with the material interests of the parties concerned. One of the principal means whereby, as we believe, this desirable result may be brought about is that of arbitration, and to the substantiation and dissemination of this belief we have devoted our efforts.

The beneficent influence which these Conferences have exerted in the past cannot be measured. It is certainly very great, but in order that this influence may continue and be as great and as wise as possible, it is advisable that from time to time we should re-examine the general problem in the light of what has already been done, and thus obtain a clear view of what remains to be accomplished. It is with the idea of emphasizing this truth that I have ventured to occupy a few minutes of the time of this session. I have not enough confidence in my own wisdom and judgment to attach any great weight to the opinions which I may express, except possibly this one, that it is desirable that the future work of these Conferences should be conducted in accordance with some plan which has been thought out and definitely determined upon. And what I shall have to say is put forward merely as a means of inaugurating such a self-examination upon our part.

If we analyze our self-set task we find that it is founded upon the following beliefs:

First, that many, if not all, of the controversies between nations which cannot be settled by diplomatic negotiations are, nevertheless, founded upon matters of fact and considerations of policy, which may be fairly and satisfactorily determined by arbitral methods.

Second, that opportunity should be given for the discovery of these facts, and the determination of the claims which may justly be founded upon them.

Third, that convenient and appropriate instrumentalities and modes of procedure should be provided and be continuously in existence for the peaceful adjustment of those international disputes which fail of settlement through the ordinary channels of diplomatic correspondence.

Fourth, and finally, that there should be created a disposition and a controlling will to resort to these peaceable modes of determining international differences.

In the light of this, or of some similar, analysis of the problem, we must decide upon the ways in which these Conferences may aid in the advancement of the movement to which they stand pledged.

A consideration of the elements of our effort as revealed by this analysis, as well as an examination of the proceedings of the Conferences which have been held in the past, make it evident

that the work has fallen into two departments: the one, which is the more fundamental, the more scientific, and, as it would seem to me, the more permanent and enduring, is the determination of the nature, modes and possible value of arbitration as a means of adjusting international disputes; the other, is the dissemination and popularization of the results which we reach. And by popularization I mean not only the making of our conclusions widely known, but the creation, so far as in us the ability lies, of the disposition on the part of the people, and especially of those who occupy the higher places of political power, to resort to arbitration rather than to what has been euphemistically called the ultimate argument of kings.

Thus regarding our work as a two-fold one, the question which has arisen in my mind is whether, in the light of what has been already accomplished, the time has not come for shifting, or at least for redistributing, the emphasis of our efforts, and, at the same time, somewhat changing the character of the work itself. To be more specific, I think that more and more we should emphasize the constructive part of our work, and seek to render it more scientific and more specific. I believe the time has gone by when we may expect that much advantage will accrue from general statements, from whatever sources emanating, as to the horrors of war, as to the burden of large armaments, as to the beneficence of peace, and as to the advantages and feasibility of arbitration as a mode of adjusting international disputes. Whatever necessity there may have been in the past for these Conferences to play a part in enlightening public opinion upon these points no longer exists. Or, at any rate, it is not so great that we can now afford to spend any considerable part of our time and energy in the expression and diffusion of these generalizations and hortatory statements. I believe that public opinion in this country is now moulded to an extent which will warrant us in leaving future propagation along these lines to the churches, the colleges and schools, the press, and, in particular, to the vigorous and influential peace societies of the country.

Secondly, I think we should not encourage discussions relating to modes of promoting peace among the nations of the world other than that of arbitration. Thus I think that questions of disarmament or the limitation of armaments, the work of commissions of inquiry, the resort to mediation and the proffer of good offices, are all questions which should receive but incidental consideration here.

Turning now to the affirmative side of the programme which I propose, I would say generally, that, centering our attention upon our one selected subject—arbitration—we should strive to discuss it in a specific and practical manner, and thus give to our

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papers as great a scientific value as we can. By this I do not mean that we should devote our sessions to the reading and discussion of papers of a purely technical character, and thus attempt the performance of a task which properly belong to a body of technical experts. What I do mean is that in the arrangement of our programmes, and in the conduct of our discussions, we should eschew broad generalizations which are either unsupported by fact, or too vague to be of practical value, and, instead, center our attention upon the essential elements which go to make up arbitral procedure, and, especially, upon specific proposals as to the modes or circumstances under which this method of adjusting international disputes should be resorted to. Our proceedings will thus become increasingly scientific without becoming unduly technical. We will educate ourselves and, through the influence which we exert, obtain for wisely conceived arbitration proposals, the support of the general citizen body whose belief in the feasibility and desirability of international arbitration these Conferences have done so much to create. Thus we shall continue the work of popularization and propaganda which must always be our task, but we will seek to render more specific, more exact, and, therefore, more scientific, the information which we distribute. Our appeal will be more and more to the understanding and judgment, and, relatively at least, less and less to the emotions.

It would not be appropriate for me to attempt to indicate just what questions should be discussed should it be decided that the general *Tendenz* of our meetings should be such as I have suggested. But lest it be said that I have myself indulged in a generalization rather than in specific recommendations, I feel warranted in pointing out that it would be our task to determine more specifically and exactly than we have in the past the limitations inherent in arbitration as a mode of adjusting international controversies. If there are questions for the solution of which arbitration is not an appropriate, or the best, means, this should be fairly admitted, and, when admitted, the lines of limitation should be clearly drawn. If, as many think, there are questions of national honor, of national security, and of domestic policy, as well as questions of a purely juristic character, which it is not wise or proper to submit to arbitral discussion, it is highly desirable that we should come to some understanding exactly why this is so; that is, to an appreciation of just what are the elements, if any, in these questions which make it undesirable or inadvisable that they be arbitrated.

Again, there are presented for our examination the problems of devising efficient modes of establishing arbitral tribunals, of deciding upon the best ways in which their personnel may be determined, the elaboration of suitable forms of procedure before

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them, the fixing of considerations which should govern awards, and the most satisfactory means of guaranteeing acquiescence in the awards when made. These are topics which for many years will afford abundant material for fruitful discussions. The judicial settlement of international disputes may be held also to come within the province of our discussions. It is true that, in a technical sense, judicial determination is distinguished from arbitral composition of the conflicting claims of nations, and this distinction is ever to be emphasized, but it would do violence to the purpose of these Conferences to interpret their jurisdiction so narrowly as to exclude this most important mode which has been suggested for the peaceful settlement by an international tribunal of questions of international law and equity.

Finally, there is always the opportunity for the discussion of specific instances, that is, the analysis of current international questions in order to determine whether or not they are susceptible of arbitral adjustment, and, if found to be such, to place the weight of the corporate opinion of these Conferences behind the movement to secure their arbitral settlement.

I do not believe that I am unduly optimistic in the belief that the future work of these Conferences, if conducted along lines similar to those which I have suggested, will be as valuable as that of the past. It will not be the same work; it will possibly be less potent in moulding public opinion, but it will, I believe, have equal influence in determining the final action of states. (Applause.)

The CHAIRMAN: The subjects of the papers of the morning are now open for discussion under the five-minute rule.

REMARKS BY MRS. FRANK F. WILLIAMS

OF BUFFALO, N. Y.

As a delegate from one of the branches of the American Peace Society, I want to say that it is the hope of that Society that all who are here, men and women, will go home to help in the establishment and growth of peace societies in their cities. Professor Willoughby has said the time may come when we can relegate this education to churches and schools; but meanwhile I do not know who is to do the educating unless the peace societies do it. When it is infused with the spirit and glory that Mr. Bryan suggests, it is not humdrum work. The churches need education. The schools need education, and the clubs and other organizations need it, because there are no organizations in their own bodies that provide for their education in the peace movement, and until there are, the peace societies must be the power house

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through which they will get their instruction and the power to further this work. May I suggest that if there can be maintained annually not only thirty-one branch societies, but one in every important city in the United States, it will be a tremendous force for the spread of this movement! (Applause.)

There being no further discussion, the Conference adjourned until 8 P. M.

Second Session

Wednesday, May 27, 1914, 8 P. M.

The CHAIRMAN: It gives me special pleasure to announce as the first speaker on this evening's program a gentleman of distinction in the Diplomatic Corps whom I am also happy to call an old friend of mine, HIS EXCELLENCY, MR. PEZET, the Peruvian Minister to the United States. (Applause.)

CONTRASTS IN THE DEVELOPMENT OF NATIONALITY IN ANGLO AND LATIN AMERICA

ADDRESS BY HIS EXCELLENCY, MR. FEDERICO A. PEZET

Before entering upon my address I wish on this occasion, my first appearance at a conference at Lake Mohonk, to express my most sincere thanks to Mr. Smiley for his kindness. Since I became Minister from Peru to this country I have not been able to avail myself on previous occasions of this opportunity, but I have been very glad to do so at this time, because at this particular moment I felt it important that Latin America should be represented at a conference of this nature, and that South America has something to say which should be listened to by so distinguished an audience.

There is a growing tendency at this time to establish relations between the peoples of the American continent based on a better understanding of one another. On all sides we hear of this yearning after closer cultural and intellectual relations, as much as we see the efforts that are being made to develop the commercial relations that until recently were the only ones to be considered as worthy of cultivation. As the Panama Canal nears completion, the desire for better knowledge and for a more thorough understanding amongst the people of the Americas becomes apparent; we all feel that the time has come when we should assert our Americanism, and place ourselves on record as a united continent working together for a common cause.

Having this in mind, I have chosen as my subject a question of the greatest moment, because in its consideration is to be found the very essence of the differences that exist and have existed between the peoples of the American continent. Most people do not consider the fundamentals of a question. They very often take everything for granted, and they are apt to judge things solely from their own viewpoint. This has been the tendency when considering the nations of Latin-America and it is this that

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has given rise to so many erroneous conceptions in respect of our people and countries.

Therefore, it becomes necessary to determine the relative positions and conditions of the two great groups of individuals that people this American world, and then study the contrasts in their development of nationality. For expediency, I shall denominate or class the two groups as "Anglo-American" and "Latin-American."

I contend that no man can truly appreciate another if he does not know him; in the same manner, no nation can feel friendship towards another if it does not understand it. Anglo-American and Latin-American, physically, are more or less similar, but we differ morally, as each has special traits of character that mark the peculiar idiosyncrasies in each. Consequently it behooves us to be forbearing, generous and to accept each other's idiosyncrasies as absolutely exact traits of character, born with the individual, or developed in him through environment.

To make this quite clear we must consider two things; first, the relative conditions, at the time of the discovery, of the territories now known as these United States of North America, and of those that constitute what is commonly styled Latin-America; and second, the class and type of the white men who became the first settlers in either territories.

The North American Atlantic territories were more or less virgin territories, inhabited by savage and semi-savage nomadic tribes, thinly scattered over a very vast area. Our territories were, to a very great extent, organized into states in a measure barbaric, but nevertheless, semi-civilized, densely populated, and concentrated in a manner to make for cohesion. Mayas, Aztecs and Toltecs, Caras, Chimus, Incas, Aymaras and Quichuas, and other tribes, less known, overran our territories, which presented marked contrast with conditions in yours.

As the news of the discovery of the New World invaded the European countries, two types, that were to mould the destinies of the wonderlands beyond the seas, were brought into play,—the one formed of the oppressed and persecuted by religious intolerance, the other of the soldiers of fortune, in quest of gold and adventures. Both of these started out with set purposes. The oppressed and persecuted came to the New World to build up new homes, free from all the troubles left behind; while the adventurous came bent on destroying or carrying away everything they could lay their hands on. So here we have the true genesis of the formation of nationality in Anglo- and Latin-America, in the two great classes, the permanent and the temporary, the one to build up, the other to tear down. The one came with reverence, the other with defiance,—both with an equally set purpose, but the one with humility in his heart, the

other proud and overbearing: the one full of tenderness born of his religious zeal, the other cruel and unscrupulous.

Thus we find that Anglo-America was settled by austere men, seeking religious freedom, who did not wish to go so far as to sever their connection with the fatherland, but who sought in the new colonies ameliorated conditions under their own flag, men who came to build homes in a new land and eager to remain because they saw in the very newness of the land great opportunities to build a greater commercial and political future for themselves. Besides these there came, of course, a few adventurous outlaws, and others attracted to the New Land by the prevalent "Vanderlust" of the times, but they were a decided minority.

Let us now turn to Latin-America. To her went the soldiers of fortune, valiant but ignorant, adventurous and daring, yet unscrupulous. They came principally from a country where religious bigotry was rampant. They were an admixture of virtues and vices. They came to conquer, to fight if necessary; their one aim was to better their lot, regardless of by what means or as to consequences. The companions of Pizarro, Hernando Cortez, de Soto, Almagro, Pedrarias, Vasco Nunez de Balboa, were in marked contrast to the men who came to the shores of New England with the Pilgrim Fathers.

To us came the militarists seeking a field for new exploits, and in their wake came adventurous outlaws seeking gold and riches. Of course, there also came some good men, some who would have been willing to preserve what they found, but these were a minority, and besides, the existing conditions throughout our territories prevented this. Because while in your territory there were only nomadic, savage and semi-savage tribes, without fixed settlements, in our territory, the Spaniards came upon organized states, having a certain civilization of their own.

So we have it that in Anglo-America the whites arrived and settled, acquiring the ownership of the land from the Indians, either by purchase, peaceful negotiations, or in some instances by forceful occupation, after actual warfare with the aborigines which ended with the conquest of the land, but not of its inhabitants who were driven westward.

In Latin-America, the whites came as a militarily organized force. They overran the countries they discovered, fighting their way from the very outset right into the heart of the unknown territories that they seized, destroying everything, committing wholesale plunder, and making a display of force and rare indomitable courage, so as to cower the astonished natives. In Latin-America, the white man overthrew the native governments and established themselves as the governing class, reducing the Indian to a state bordering on actual slavery, that, in many in-

stances, was slavery. Every cruelty was resorted to by the conquerors. No pity or mercy was ever shown to the defenceless tribes. From the very first, it was a question of asserting superiority as a master, and making the Indian feel that he was but a mere tool in his master's hands.

From the foregoing it can readily be seen that while your territory was being colonized, in the strictest sense of the word, by your forefathers, ours was being conquered by the white man in such a manner as to be most detrimental to posterity.

Now let us glance at the types of men who came to your and to our sections of the Continent. The colonists of Anglo-America came from those countries of northwestern Europe, where there was the greatest freedom, the nearest approach to republican institutions and government of the people and by the people, existent at the time. England, Scotland and Wales, the Netherlands, French Huguenots, Scandinavians, and Germans, furnished the stock from which were evolved the American colonies.

The conquerors of Latin-America were militarists from the most absolute monarchy in Western Europe, and with these soldiers came the adventurers. And after the first news of their wonderful exploits reached the mother country, and the first fruits of the conquest were shown in Spain, their Most Catholic Majesties, Ferdinand and Isabella, felt it their duty to send to the new kingdoms beyond the seas, learned and holy Monks and Friars, men of science, scions of noble families. With these came men of means and of great power at home, bringing a very large clerical force, composed mainly of young sons of the upper classes, each one eager to obtain a sinecure, trusting to his relatives and powerful sponsors to better his conditions, and in time, get his promotion to more important and more lucrative positions. It was a veritable army of bureaucrats, of office-seekers, of penniless and spendthrift young men, that overran our territory,—men who had never done any work at home, whose one and only ambition was a high salary, because they had never had any occasion to learn a profession nor to earn a livelihood through industry and toil.

From sources so widely different in their components, sprang the Anglo-American and the Latin-American. Your men formed an unmixed mass because, although of divers nationalities and divers social classes, they were of pure race and maintained this condition with very rare exception. Besides, they came with intent of bettering themselves, determined to settle down. They brought with them their families and a great many of their belongings, and thus, from the very beginning, they established homes and organized properly constituted communities of workers.

Our men did not bring their women and families until many years after the Conquest. In consequence, the Spaniards from the very commencement took to themselves Indian women, and the offspring became the "Mestizos," a mixed race that the haughty and pure Castilians in Spain never countenanced, although they were of their own flesh and blood. Later on, when conditions became more settled, the Spaniards brought their families, and after a time the "Creoles" came into existence. These were the offspring of European parents born in the New World. It is a well-known fact that many of the Conquistadores took unto themselves women of the Indian race, of the governing class, especially in Mexico and in Peru, which country then included what are to-day Ecuador and Bolivia. Both Mexico and Peru had a semi-civilized race organized into castes. One of the best known of the early chroniclers of Peru was Inca Garcilaso, the son of a Spanish nobleman, who came to Peru in 1534, and who married a daughter of one of the reigning Incas.

This mixing of the races, white and Indian, after a time, was not frowned upon by the haughty Spanish Monarchy, but, on the contrary, it was encouraged, it being considered the best possible means of establishing an uniform race. The idea was to create a great middle class, that would in time make useful and loyal subjects of the Crown. Many of the Conquistadores thus married or entangled themselves with princesses of the existing dynasties, and with the daughters and relatives of the Curacas or Chieftains. And, following this example, the soldiery and the retinues of these leaders were allowed a very large amount of liberty, so promiscuous that by the end of the eighteenth century, the "Mestizo" population of Peru had exceeded a quarter of a million. Some of these Mestizos, by right of their parentage, were given the best education and in many instances they were brought up with the Creole children, but by far the vast majority were kept in ignorance and made to do menial work, or allowed at most to apprentice themselves to some trade.

The Anglo-American colonist was already somewhat schooled in self-government. He was a man of discipline, of order, and above all else he was a worker. With such men, it is not to be wondered at, that the new colonies should have been more or less successful from the start, and that the science of self-government should have been so readily acquired. Your forefathers came over, bringing in their hearts the desire to accomplish great things. As they found everything in an undeveloped state, they were obliged to take the initiative and try to help themselves. From the first, it was a great co-operative effort, everyone working for himself, but at the same time lending a helping hand to his neighbor.

With us it was otherwise. The sight of such great wealth as the Conquistadores found in some of our countries, the existence of organized states, where the ceremonies were carried on with pomp and splendor, dazzled the more or less ignorant adventurers, who were the first comers, and completely demoralized them. I firmly believe, that had those brave men, for brave they certainly were, found in our countries the conditions that the Anglo-Saxon found in this, they would surely have developed qualities that might have been on a par with some of the ones exhibited by your pioneers. There is no telling what would have resulted from altered conditions in our respective territories.

The news of the riches to be found in the New World attracted to it men from all over Europe. To our countries came a very large number of the riff-raff soldiers—courageous but unscrupulous—who had been warring the world over. From the beginning they quarrelled among themselves over the spoils; and from the moment the Conquest was consummated, an actual state of anarchy prevailed throughout the new dominions of the Spanish Monarch,—a seed that unquestionably bore fruit, to judge from the history of some of our countries with their perennial upheavals and continued discontent and unrest.

During the first fifty years after the Conquest by the Spaniards, many attempts were made by the Crown to establish good government in the newly acquired possessions, but to no avail. The fact is, the men who came to us were untutored in the science of government. They knew how to rule, but not how to govern. So for two centuries and more, the European and the Creole exploited and ruled the land, over the Mestizos and the Indians, for the benefit of the mother country. The Indian was kept in a state of abject servitude; he was turned into a beast of burden. The Mestizo, physiologically, is nearer to the Caucasian than to the Indian. Physically and morally he is superior to the Indian, and although of less active intelligence than the European or the Creole, he is stronger willed and more persevering and painstaking in all his undertakings. In the early days after the Conquest, the Mestizo who happened to have one parent of lineage or rank, was given every facility to improve and was placed on an equal footing with the Creoles, but as the years advanced, and the Mestizos became more and more numerous, the Spaniards began to look on them with distrust and fearing that too much education would give them certain power in the administration, they forbade them to occupy certain positions and prevented them from acquiring too much knowledge. But many of them, notwithstanding these drawbacks, opened a way for themselves, through well regulated homes and families, and placed themselves on a level with their acknowledged masters.

During these years, the Indians were continually oppressed by

the European, the Creole and even by the Mestizo. But at times, some of the latter would join in the rebellions against their cruel masters, only to be crushed the more, and made to feel the distance that separated each race. And so for more than two hundred years these two peoples, the conquerors and the conquered, subsisted side by side, living in hatred and distrust of each other, until eventually out of sheer exhaustion, they became apparently reconciled to their respective conditions, when gradually a sort of colonial nationality was evolved.

This nationality formed of Creoles and Mestizos might have been beneficial to our countries, if it had had time to develop. But unfortunately, just about the time when the Spanish-American was beginning to find himself and to make himself understood, a wave of freedom swept over the northern portion of the American Continent, and Spain, fearing that the example would be followed in her dominions, tightened her hold on her unfortunate subjects.

The splendid results of the independence of Anglo-America; the advent of new ideas through the French Revolution, the invasion of Spain by Napoleon—all tended to engender in Latin-American countries the desire for independence.

No longer was it the rebellion of the Indians. These unfortunates had been thoroughly crushed into submission. It was the Creoles and the Mestizos who conspired against the authority of the mother country. The people demanded freedom. They sought to have liberties, to be allowed to have a direct voice in the government and the administration of the affairs of the countries in which they lived.

Spain, notwithstanding her gradual loss of power in Europe, stubbornly refused to listen to the cry of her subjects. The men who in her own Parliament voiced an opinion in favor of the Americans were denounced as traitors to their country.

From 1804 the unrest in Latin-America was most evident. It broke out into revolution, first in one section, then in another, until in 1810, several of the countries established their independence and organized a republican form of government. But there was no preparation for self-government, such as the Anglo-American commonwealths had had. They decided on this form of government, because a wave of republicanism had swept over them. The ideas and principles that they adopted were taken from you and from the French, a little from each, and they simply adopted them without studying their own condition, without having any real instinct for self-government, without having any fitness or being ready for such a state.

The Anglo-American passed from the condition of a good colonial subject to that of a citizen of an independent commonwealth. It was a gradual development. He took with him from

one state into the other the experience of years, and a thorough study of the needs of his country and of its people.

On the contrary, our people were totally unprepared for self-government. The number of our people who had risen to positions of distinction while not unappreciable, was scattered over a very large area from Mexico to the confines of South America. In each of our countries there were racial divisions. Their populations were made up of Creoles, who together with the Spaniards formed the governing class, the Mestizos, striving to be on an equal footing with them, and a long way down the scale, the Indians, considered inferior even to the imported African slaves.

The three centuries of Spanish domination had been with but few intervals years of exploitation, of misrule, of neglect. I do not blame Spain, absolutely. I think that this condition was the natural outcome of the manner in which the Conquest was effected. Many unfortunate circumstances militated to bring about in Latin-America conditions that did not occur in Anglo-America. Summing these up, as shown in the foregoing, I can but say that you were more fortunate than we in the beginning, at the very foundation, and that, consequently, when each of us set out in life for himself, all the advantages were with you.

Geographically and climatically you have been in better condition to prosper than we, and to develop your natural resources. The original thirteen states, situated on the east coast of the Northern hemisphere, nearer to Europe, were in a position to receive an ever increasing influx of the most desirable emigrants from western Europe. You could offer them climatic conditions more or less similar to theirs; institutions advanced of theirs, but with which they were familiar, if only in principle; a language that was the surest vehicle for the development of trade relations; religious and political freedom, and a virgin country rich in natural resources, a land of opportunities, holding out every possible kind of incentive to those who came to its shores.

Latin-America, situated in great part in the Southern hemisphere, with many of its centers of population within the tropics, on the Pacific slope, or on the high table lands of the Andes Mountains, has been more or less inaccessible to European emigration.

So while you have had a constant flow of emigrants to your shores, emigrants who have helped to develop your country and its resources, we have been dragging out our existence, trying to free ourselves from the effects of inherent conditions that were drawbacks to our development. Whereas republican institutions and a knowledge of true self-government were the direct inheritance of the Anglo-American colonies at their birth as a nation, Latin-America, at the time of its inception into the family of nations, was a group of dissociated, military nations, utterly

unschooled in self-government and inhabited in greater part by unfused races.

With these conditions at the time of our political emancipation, it is not to be wondered at that our first steps in the path of freedom and our first attempts at self-government should have been disastrous in every respect. Our educated men,—and we had throughout Latin-America many men of mark and distinction,—were mostly scholars, theorists and thinkers, but unpracticed in the science of government, and, moreover, idealists and unpractical. Fine orators, with great versatility, in our Parliaments, Congresses and Assemblies vied with one another in scholarly and cultured debate.

All of the great principles that had taken centuries to ripen, in the nations of the Old World, were adopted by us, at a stroke of the pen, and by acclamation. Without having inborn in us any of the principles of true democracy, we became, over night, as it were, democratic and representative republics. From despotism and servitude we jumped into the most advanced form of government.

Of course, there were many men who would have been great men in this or in any other country. There were men who under other conditions and with different environments would have risen to great heights, but I am dealing with facts and not with suppositions; consequently, the lack of proper training, owing to the conditions under which our countries had lived since the Conquest, and the class of men who had been responsible for the government and administration of them, as also the nature of their inhabitants, were all conducive to the state that followed immediately the political emancipation of Latin-America.

Your thirteen original states had already a growing trade with Europe, and even with the Orient, at the time of your independence. Latin-America, for three centuries, had been supplying to ever needy Spain the precious metals obtained from its mines, by the enforced hard labor of the poor natives. The mother country did not permit her American possessions to trade with other countries. The products of our soil were sent to Spain, or were consumed at home, or exported to the other dominions of our master. The trade was in the hands of Spaniards and Spanish ships carried it.

England, always far seeing, always alert to improving her commercial supremacy, saw a great future for her commerce and trade in Spanish-America, and while she was the ally of Spain, assisting her to overthrow the Napoleonic invasion of the Peninsular, she was, at the same time, urging upon Spain to grant to her restless and discontented possessions certain freedom and autonomy. England knew that Spain had no longer the financial power to develop those countries; she foresaw the day when

they would become independent, and she decided to get for herself a trade that would be of very great consequence at some future date.

During the time that our countries were fighting the mother country we received great moral and material assistance from Great Britain. It is often said that nations are wont to be ungrateful, and that they seldom remember the services rendered by other nations or by aliens, who embrace their cause. I trust that this will never be said of Spanish-America, because we do remember the assistance that Great Britain gave us, in quite the same manner as you remember what France did for you during your own great war, and moreover, we have not forgotten that in the days of our struggle we had the sympathy and the aid of many noble soldiers and sailors from the cradle of American liberty, these United States of America.

So you see, that while you, in Anglo-America, had everything conducive to national welfare, we were laboring under the stress of great difficulties. We had no money. We had no foreign trade to speak of. We had no internal developments. Slavery had been introduced into many of our countries and the same laxity that had allowed a promiscuous intercourse between Creole, white man and Indian, permitted the mixing of the African with the other races. Certainly no worse conditions for the formation of a nationality could exist. From the very outset, we followed in the footsteps of our late masters; in fact, many of these became our first and foremost citizens. They applied the republican theories and practices to a people who were unprepared for them, and, as was natural, the result was license, misrule and finally, chaos. With perpetual changes of political leaders, the nations became impoverished; some of the inhabitants instead of improving degenerated, and in many instances became next to worthless as a national asset.

The general state of national bankruptcy that was prevalent in Latin-America a few years after the final overthrow of Spanish rule in 1821 served as an incentive to European money lenders and financiers of a more or less obscure class, who came forward to offer their services for all and every conceivable object, from a mere money loan to the building of public works and the development of the mineral and agricultural resources of the land. Many men of shady reputations, with pasts that would not bear close investigation, flocked to the newly constituted states, offering their services, and ready to take up anything in the shape of a concession, which they immediately took to Europe to finance there. In this manner Latin-America was duped and swindled. Loans were raised, the proceeds of which were used up in paying commissions and expenses, but the unfortunate state had to meet the obligation or default. It is a very long story,

this history of the financial struggles of many of the young Latin-American republics, and it is a very pitiful story.

As we had started out with the wrong foot at the time of the Conquest, the same misfortune befell us when we launched out into independent Statehood. In other words, we ran before we walked. We assumed a developed stage without first having had the preliminaries. How different this was in your case! Yet how very few people are there, who think of this when discussing and criticising us! How many are there among you who think of this and stop to consider to what extent the Latin-American countries and their people have been handicapped?

We have been misjudged; we have been misrepresented at all times,—and all because our critics have failed to look into our early histories and ascertain the why and wherefore of the present state of affairs. They sought in our countries for practically the same conditions as exist in other more fortunate lands, where the evolution of nationality was gradual and logical, because there had been a foundation for it. It is impossible to build where the foundation is not solid, where the ground has not first been well broken and prepared.

As I stand here before you and think that I come from the country that is proud to possess the oldest trace of prehistoric civilization on the continent, the nation that boasts the most ancient seat of learning in the Americas, it grieves me to consider that, notwithstanding the age of my country and the venerableness of that seat of learning—the University of San Marcos—we still are, as a nation, in our infancy. And it is so because only now are we developing our true nationality. And we know, now, that the formative period may be considered as well over, and we feel ready to face the future with full confidence in ourselves and in our country.

Some of the countries of Latin-America have already made wonderful strides along the path of progress, material and intellectual. Some have already crossed their Rubicon and are forging ahead at a rapid pace. Argentina, in which conditions are more analogous to those of the United States, has already attained a greater material growth than any other Latin-American nation. The tide of immigration from the European countries has been for some years steadily flowing towards the southern part of our continent. Brazil and, more especially, Argentina have been receiving European settlers in increased numbers. In Argentina the blending of the race is taking place, and a condition similar to that which occurred in the United States is developing there. Southern Brazil and Uruguay on the Atlantic, and Chile on the Pacific, are developing strong nationalities. In the latter country climatic conditions and a more homogenous race have been favorable.

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The Panama Canal will open the west coast of South America to European immigration. It will help to open to trade the countries on the Pacific Slope. Through the new waterway, Peru will be in a direct line of communication with Europe and the Gulf and Atlantic ports of the United States. The canal will be the great gate-way through which will flow to our shores a stream of progress, carrying along with it men with capital, men with energy and activity, men who will come to us in the spirit that the pioneers from the Eastern States went into the West of this great country and founded there a greater empire of wealth than even the Pilgrim Fathers founded in your country.

There is a happy faculty that is common to the whole of America,—being able to readily assimilate diverse foreign emigrants and turn them into good citizens. The melting pot does not exist only in your country. In each of the Latin-American nations it is doing the work of fusing into one great nationality the stray elements from all over Europe.

Any one who takes up a directory of any of the Latin-American countries, will be astonished to read the number of names of English, Scotch, French, Irish, Italian, German, Dutch, Scandinavian and Slav origin that are to be found, and he will be even more astonished when he learns that the Edwards, the McKennas, the Gallaghers, the Jones, the Browns, the Smiths, the Carters, the Henrys, the Washbournes, the Muellers, the Cawthorns, the Milanovitz, the Gosdinkys, the O'Donnells, the Elmore, the Lynches, the Lefevres, the Dubois, the Canevares, the Figiri, the Hemnerde, the Schaffers, the Von der Heyde, the Jacobys, the Solomans, the Dreyfus, the Bergmans, the Schreit-Muller, the Scribebens, the Hahns, etc., etc., are Latin-American of two or more generations.

At present in Peru, our President is Señor Billingham; and two members of the Supreme Court are Justices Elmore and Washbourne. The President of the Lima Chamber of Commerce is Señor Gallagher, the Assistant Secretary of State is Señor Althouse, the Consul General in New York is Señor Higginson, one of our most distinguished Generals is Señor Canevaro, one of the leaders in Congress is Señor Solomon, and all of these are Peruvian citizens by right of birth.

The native Indian population, so long neglected, is now a matter of deep concern to many of our countries, and in Peru, where we have a very large percentage of pure Indian and of Mestizos, we are doing everything that is possible to undo the evil and the many injustices that have been done unto them since their country was wrested from them at the Conquest. This is a problem of the greatest importance and one that is receiving the greatest attention in my country from the men who have at heart the welfare, prosperity and the future of the nation.

HUMPHREY

In the foregoing, I have attempted to present the many drawbacks that the Latin-American nations have had in the development of nationality. I would beg you to consider this question when you are judging the Latin-American. Bear in mind what I have tried to make clear to you, and if you do this, you will be better able to understand his idiosyncrasy and, in time, you will perhaps look upon him as a companion and a fellow-worker in the great cause of human uplift. We are all striving for a common goal. Our methods may differ, but our aspirations are the same, and the earnest endeavor of each is worthy of the respect of the other. (Applause.)

The CHAIRMAN: After listening to the interesting address of Mr. Pezet, I am happy to bear witness to the great progress that Latin-America is making to-day.

The next thing on the program is the presentation of a message to the A B C mediators, for which I introduce Mr. ANDREW B. HUMPHREY, of New York.

MEDIATION BY BRAZIL, ARGENTINA AND CHILE BETWEEN MEXICO AND THE UNITED STATES

REMARKS BY MR. ANDREW B. HUMPHREY

The message I bring is from the Executive Committee. This is the point: Lake Mohonk has been identified with the international arbitration movement perhaps more prominently and more definitely than any other one association of recent times, and I think it is not overstepping the mark when I say that The Hague movement itself owes its inception, perhaps, as much to what has transpired at Mohonk as at any other one geographic point. One of those Hague Conferences of which my distinguished teacher and friend, Andrew D. White, who sits here, was a leading member, made it possible when nations had international difficulties for other nations to tender their good offices without giving offence.

We have before us to-day a great lesson in mediation. Thirty days ago all the world practically was talking war; the newspapers were full of war and rumors of war. Now mark what is happening to-night. Instead of talking war, the newspapers of the world are filled with the talk and hope of peace, and I say to you whether the mediation conference at Niagara Falls fails or succeeds, the world has taken a step forward for international conciliation. It is to recognize this that the Executive Committee authorized a special committee to prepare this message:

A. B. C. MEDIATION

TELEGRAM

MOHONK LAKE, N. Y., May 27, 1914.

His Excellency, Mr. D. DA GAMA, *President of Mediation Conference, Niagara Falls, Ontario.*

The Twentieth Annual Lake Mohonk Conference on International Arbitration now in session, sends its felicitations and greetings to the envoys from Brazil, Argentina, and Chile, and to the delegates from Mexico and the United States, now in session at Niagara Falls, Ontario.

For twenty years the Lake Mohonk Conference has steadily advocated international arbitration and mediation as a substitute for war. We rejoice that the good offices of three of our sister republics in South America have been tendered and accepted, and that your conference is now engaged in the earnest effort, with the good will and co-operation of other nations, to establish between Mexico and the United States an honorable and permanent peace. This auspicious event marks a new era of better understanding between the republics of the western hemisphere.

To your honorable commission we pledge our heartiest support and earnest wishes for the establishment of a precedent which will be a new milestone in the forward march of world peace and give a new impetus to the effort to stay war through conciliation and mediation; and we pray for the full realization of your high and holy mission.

I move that this message be sent as the expression of this Conference. (Applause.)

Mr. EDWIN D. MEAD, of Boston, seconded Mr. Humphrey's motion.

The telegram was unanimously approved, and a committee, consisting of Mr. Andrew B. Humphrey, Dr. Elmer Ellsworth Brown, Mr. Edwin D. Mead and Dr. John R. Mott, was instructed to send it. A courteous acknowledgment from Ambassador da Gama was received by mail after the close of the Conference.

The CHAIRMAN: We shall now hear an address by Dr. JAMES L. TRYON, of Boston, Director of the New England Department of the American Peace Society.

THE ADVANCE MADE BY TREATIES OF ARBITRATION

ADDRESS BY JAMES L. TRYON, PH.D.

The distinguished presiding officer of this Conference, Professor John Bassett Moore, has intimated that in some ways the position of the United States to-day in respect to arbitration is somewhat reactionary. It is harder to bring about an arbitral settlement now than it used to be. He intimates that this fact is due in part to the limited nature of our arbitration treaties and to the requirement that special agreements must be submitted to the Senate. I can understand perfectly what he means.

If you would know what the United States government declares it will not do, read our present treaties of arbitration. If you would know what it will do, read the story of the arbitrations in which this country has taken part. The story of these arbitrations is told by Professor Moore himself with a completeness and scientific accuracy of detail which is equalled by no other writer. It shows that there is hardly any important subject of controversy whether relating to questions of vital interest or of national honor, that we have not arbitrated; it is only when you try to make us put our ideas into a formula for general use that we appear to be and probably are about a hundred years behind our own record. But it is of the progress of arbitration as a declared formula for general use that I wish to speak to-night, and not of specific instances.

If we would understand the nature of the advance that has been made in the organization of international justice we must study it from the standpoint of treaties of arbitration. We are told that we have moved farther forward in arbitration in the past ten years than in the century preceding them; but the foundations of this progress have all been laid in the past. Were it not so, the new treaties that have been negotiated by our Department of State might be of doubtful value. It is because they are a part of an historical development that they contain the promise of practical utility in the future.

Let us review some of this progress from the standpoint of American experience but note also where, in the general course of arbitration, we make connecting links with other nations.

First of all, there has been progress in the manner in which provision is made by treaty for an arbitration. Originally agreements to refer a dispute to arbitration looked backward to questions that had already arisen between governments. For example, in the Jay Treaty, an arrangement was made for a commission to ascertain what river was meant by the St. Croix in the treaty of 1783, which was supposed to define the boundary between the United States and Canada, over which there was a dispute. Sometimes a dispute passed into an acute stage of international feeling before arbitration was proposed. Although the St. Croix question was not a dangerous one, another controversy for which the Jay Treaty provided an arbitration, the recovery of debts owed by American citizens to British subjects before the Revolution, the collection of which had been barred by state acts that were passed during the war, had exasperated British creditors and created among them a warlike feeling.

The next step was a combination of methods that looked partly backward and partly forward. It was taken in the Treaty of Ghent which closed the War of 1812. That treaty left several important disputes unsettled. One of them related to the owner-

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ship of certain islands in Passamaquoddy Bay and the Bay of Fundy, another to the northeastern boundary of the United States from the source of the river St. Croix to the river St. Lawrence, and still another to the boundary along the middle of the Great Lakes and of their water communications to the most northwestern point of the Lake of the Woods. In every one of these cases a commission was to be created in pursuance of the Treaty of Ghent, consisting of a representative of each country. If the commissioners agreed, their decision was to be final. If, however, they disagreed, the question or questions left at issue were to be referred to a friendly sovereign or state as arbitrator. Fortunately in two of these disputes the commissioners agreed. One of them, the controversy relating to the northeastern boundary, was referred to the King of the Netherlands as arbitrator, but as he exceeded his powers, that dispute and the difference arising over the lake and land line, which could not be ended by commissioners, were adjusted by Lord Ashburton and Daniel Webster.

Another forward step was taken, this time of a more distinct character, when by the treaty of Guadalupe Hidalgo, which made peace between the United States and Mexico, after the Mexican War (1848), a clause was inserted by which arbitration or formal negotiation was to be the main reliance for peace between our two countries in the future. The arrangement that was then made might well be printed and posted in every Mexican and American home. It provides in part that if any dispute should arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of these nations, promised each other that they would endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries were then placing themselves, using, for this end, mutual representations and pacific negotiations. And, if by these means they should not be able to come to an agreement, a resort should not on this account be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the Government of that which deemed itself aggrieved should have maturely considered, in the spirit of peace and good neighborhood whether it would not be better that such difference should be settled by the arbitration of commissioners appointed by each side, or by that of a friendly nation. And should such course be proposed by either party, it should be acceded to by the other, unless esteemed by it altogether incompatible with the nature of the difference or the circumstances of the case.

May we not hope that the mediation which has been attempted was to some extent made possible not only because of The Hague Convention for the Pacific Settlement of International Disputes, but because of the treaty obligations that existed between the republic of the United States and the republic of Mexico to which the people as well as the governments of both countries should desire to be true? (Applause.)

Following along for two or three decades, but particularly between 1870 and 1880, it became a fashion among nations to insert in their treaties of amity or commerce, arbitral clauses so-called, providing that if a dispute should arise over the interpretation of execution of these treaties it should be referred to arbitration.

In the last twenty-five years of the nineteenth century arbitration was encouraged by resolutions passed by the Senate and House of Representatives of the United States. Two notable instances occurred of attempts to put these declarations of principle into practice by formulating them into treaties. One of them was the treaty proposed by Switzerland in 1883, which was not accepted by the United States, and that with Great Britain in 1897, the Olney-Pauncefote treaty, which missed consent to ratification in the United States Senate by a very narrow margin. These were arbitration treaties pure and simple. They were not a part of treaties relating to other subjects, like the Jay treaty, the Treaty of Ghent, and the treaties of amity and commerce already referred to. They did not go back to questions that had already arisen and had to be settled judicially or left to the mercy of public passions already aroused, but they looked forward to the contingency of new disputes, the precise character of which only the future could reveal. They were of an entirely new order, representing a new stage of progress in the formulae of arbitration treaties. The Swiss treaty, which was far ahead of the times, provided for the settlement of all controversies by arbitration "whatever may be the cause, the nature, or the object of such difficulties." The Olney-Pauncefote Treaty provided for the arbitration of certain classes of questions, but they were important, territorial as well as large pecuniary claims being considered justiciable. Both of these treaties may be called general treaties, a term now in use, to distinguish them from special treaties. General treaties of arbitration provide for the reference of all questions or classes of questions arising in the future; special treaties relate to a particular issue, as for example a controversy over pecuniary claims, which, having already arisen is made a case by itself for arbitration without regard to a standing treaty. Nearly all arbitration treaties that are made to-day are to be classed as general.

The era of general treaties of arbitration may be said to have been finally ushered in by the Anglo-French treaty of 1903,

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which proved to be the basis of many arbitration treaties that have been negotiated since that date and which practically repeat the same terms and conditions. Twenty-four treaties like the Anglo-French treaty were negotiated by Mr. Root during the administration of President Roosevelt, and are known as the Root treaties. They ran for a term of five years and some of them have since been renewed. These had been preceded by several like treaties during the secretaryship of Mr. Hay, but, owing to a difference over a question of prerogative between the President and the Senate as to the constitutional necessity of submitting to the Senate for approval the special agreement setting forth the conditions relating to each specific case of arbitration as it should come up, the treaties had been withdrawn.

When arbitration treaties pure and simple came into vogue, they were made, as they are still made, between nations negotiating in pairs. If all the countries, each one with another throughout the world, were to draw up arbitration treaties in pairs, more than one thousand separate agreements would be necessary to complete the circle of the family of nations. But to the practical American mind, that believes in the conservation of international as well as other forms of energy, it seems as if a collective arrangement could be made by which the nations by a single enactment at The Hague might make a universal treaty embodying the essentials of the manifold separate treaties that are now in force. A collective arbitration system was one of the dreams of Secretary Blaine for the Pan-American nations as far back as the first Pan-American Conference of 1889-90 and has been brought forward in other Pan-American Conferences since that time, but it has never been realized. The United States government thought, however, that the world was ready for a collective treaty for all nations at the time of the Second Hague Conference in 1907, especially as thirty-three nations had at that time made arbitration treaties. An attempt to secure such treaty, based upon the model of the Anglo-French treaty, with a specific list of arbitrable questions, was led at that time by the United States, Great Britain and Portugal; and for it about three-fourths of the nations voted; but as there was not a unanimous agreement, unanimity or the next thing to it being by rule required before a measure can pass through a Hague Conference, the nations were thrown back upon the present system of negotiating treaties in pairs. Failure was due chiefly to the opposition of Germany and Austria whose influential delegates argued against the measure, and partly to Italy, a third member of the Triple Alliance, who abstained from voting, as well as to a few other nations who turned the scales. But hope is in sight that a similar plan may meet with acceptance in 1915 or 1916 when the Third Hague Conference convenes. The German jurist, Dr. Zorn, who was

a member of the German delegation that opposed the American plan in 1907, came out at the recent Conference of the Interparliamentary Union at Geneva in favor of a universal treaty. His change of attitude may be prophetic of the future position of the German government on this question.

Within the past decade, which has been so fruitful in treaties of arbitration, there has been a gradual development from treaties of limited scope to treaties of an all-inclusive nature. Arbitration treaties nowadays usually agree to refer controversies to the Permanent Court of Arbitration at The Hague; but disputes may also be submitted to a special tribunal or to a sovereign as in former days. Many arbitration treaties conform to the standard set by the Anglo-French treaty. This provides for the settlement of international disputes of a judicial order, or relative to the interpretation of existing treaties, which diplomacy cannot settle; but usually stipulation is made that questions affecting the vital interests, independence or national honor of the two contracting parties, or the interests of third parties, are excepted from arbitration. A treaty between Norway and Sweden advanced beyond this stage by an agreement that the preliminary question whether or not a dispute involved vital interests should, in case of doubt, be referred to The Hague Court. Denmark and the Netherlands went further still in their treaties by agreeing to refer to The Hague Court all mutual differences and disputes. This is called a treaty without reserves and is an ideal towards which many advocates of peace are working. Such a treaty was attempted by Mr. Taft in 1911, when he proposed to Great Britain and France that all differences arising between them that were justiciable by being susceptible of judicial settlement by the principles of law and equity, unless they could be settled by diplomacy, should be referred to The Hague Court or some other arbitration tribunal; but disagreement with the Senate arose over the question of having a joint commission decide the preliminary question, whether or not, in a case of doubt, a given dispute came under the classification of justiciable subjects. The Taft treaties having failed to secure the consent of the Senate, were left unratified. The debate on the constitutional prerogative of the Senate was due in a large measure to a fear, whether justified or not, that the United States might some day be called upon against its will to arbitrate a case of vital interests or national honor. As between Canada and the United States, however, the International Boundaries treaty which was made in 1909, and seemed during the campaign for the arbitration treaties to have escaped the eyes of most peace advocates and statesmen, created a permanent joint commission to consider every question that may arise in regard to our boundary, and provides for an automatic reference to arbitration of serious

differences, with the consent of the United States Senate and the Governor-General in Council of Canada. In that treaty, however, nothing is said about questions of honor; although primarily it relates to boundaries, it is a treaty practically without reserves. And we also understand that within the past year the Department of State has endeavored to negotiate treaties without reserves. We hope there will be further progress to report in this direction in the future.

The typical arbitration treaties that have been made in recent years have usually provided for arbitration only, but there is a tendency to-day to make supplementary treaties providing for resort to an international commission of inquiry or mediation, as an adjunct to the arbitration system.

The International Commission plan is associated with the distinguished name of our Secretary of State, Hon. William J. Bryan, and from his devotion to this idea, beginning with his speech before the Interparliamentary Union in 1906, he is entitled to our gratitude. The Bryan plan,* however, is not in all respects a novelty. It is but a stage in the evolution of the peace system of the nations. Historically this plan dates back to the numerous joint commissions that have settled boundary lines or determined any questions of fact. The international commission was made a part of The Hague peace system in 1899, but, like about everything else relating to that system, it was intended only for voluntary use. The international commission was successfully tried by Russia and Great Britain after the Russian fleet fired upon the British fishermen in the North Sea. The procedure followed by the North Sea Commission was made a part of The Hague Conventions in 1907. Resort to an International Commission of Inquiry was even then left voluntary, although in the opinion of the nations, as expressed by The Hague Conventions, it might under some circumstances be expedient and desirable. The idea, however, apart from the arrangement for the jurisdictional commissions, was embodied in the Taft arbitration treaties, by which, had they been ratified, it would have become a matter of obligation between the United States and Great Britain, and the United States and France upon the request of either power. Mr. Bryan has extended the commission idea by putting it into treaty form and making it obligatory. Furthermore, he has provided for a standing commission, the names of the members of which shall be known in advance. This commission is to have the power of initiative so that it can act if the governments themselves do not. The power of initiative is new. There is an equally radical clause providing that while a dispute is under investigation by a commission, there shall be no declara-

* For text of first treaty embodying the plan, see Appendix B.—ED.

tion of war, no further war preparations and no hostilities; the armaments clause may not be practical for certain European and other countries, but as a political experiment in armaments, proposed by the United States, it is conservative when compared with the Rush-Bagot agreement which a hundred years ago reduced the quotas of warships on the lakes to the limit of insignificance, and made naval preparations as between the United States and Canada, in those waters, whether pending or not pending the investigation of a dispute, a course of action unthinkable. Mr. Bryan's additions to the commission method are a logical part of the international development of our day and quite in accord with those American traditions of peace and arbitration which by his speeches he himself has already done much to establish. Therefore his plan, which fortunately is in part grounded in experience, marks a new stage in the history of arbitration treaties and registers the point of farthest advance.

In accordance with the spirit of The Hague Convention for the pacific settlement of international disputes, the A B C mediation is a voluntary and friendly act as between the United States and the three republics of South America; but we may to a certain extent consider it as already obligatory between Mexico and the United States, these two countries, as already indicated, having bound themselves by the treaty of Guadalupe Hidalgo to resort to pacific methods of settlement before going to war. The United States in 1848 as in 1794 stood in the vanguard of the peace forces of the world and there is where we should stand to-day. What we should do now or in the near future is to incorporate mediation into a series of treaties like those now being negotiated by Mr. Bryan for international commissions of inquiry, and so have another adjunct to arbitration for automatic use. This principle was adopted by the European powers in 1856 and incorporated by the General Act of the Conference of Berlin in 1885. It was embodied in the Olney-Pauncefote treaty of 1897. It was made a part of The Hague Conventions in 1899 and 1907; but its use, in respect to offers of mediation by third parties, was left voluntary, while resort to it by the two parties at issue was left in the form of a general promise. Members of the Interparliamentary Union have within recent years proposed to take mediation out of the category of voluntary peace-making by inserting in treaties between nations an agreement to resort to it, thus beyond question making recourse to it obligatory. We may therefore feel assured that the extension by treaty of this principle, which already has the approval of The Hague Conference, will be a step forward in the right direction.

To sum up, we can say that we have a system of arbitration treaties by which in our relations with some countries we can

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refer certain disputes, chiefly those of a legal character, to arbitration, and that practically all treaties of arbitration that are now negotiated look to the future instead of to the past. There is now a marked tendency among nations acting in pairs to develop The Hague peace system by negotiating separate treaties, or inserting clauses in existing treaties to establish standing international commissions of inquiry and an agreement to use mediation before resorting to war. When this threefold arrangement is completed, if a dispute arises which we cannot settle by diplomacy, the following may be the order of events: (1) The dispute may be referred to an international commission of inquiry to ascertain the facts; (2) having learned the true facts from the commission, we may send the issues—the points of difference—to The Hague tribunal for arbitration; (3) if satisfaction cannot be obtained there, and hostilities should threaten, we shall be obligated by treaty to resort to mediation before war can begin. Such a threefold provision once established, ought to be a safeguard, and should render war between conscientious nations exceedingly difficult even in our own time. (Applause.)

The CHAIRMAN: Dr. EDWARD S. CORWIN, Professor of Politics in Princeton University, will now favor us with an address.

SOME POSSIBILITIES IN THE WAY OF TREATY-MAKING

ADDRESS BY EDWARD S. CORWIN, PH.D.

Under date of September 26, 1906, seven European nations* entered into a treaty by which they agreed to prohibit within their respective dominions the use of white phosphorus in the manufacture of matches, and, with other nations,† into another treaty by which they similarly agreed to prohibit night work for women. These same countries have also entered into treaties with regard to the insurance of workmen against industrial accidents. Finally, proposals, which have already been formulated‡ are to be submitted in September of this year for an international agreement prohibiting the night work of young persons and fixing the maximum working day for women and young persons. The question arises, why, if other countries may enter into and carry into effect such engagements, may not the United States?

* Germany, Denmark, France, Italy, Luxemburg, Switzerland, and the Netherlands.

† Austria-Hungary, Belgium, Spain, Great Britain, Portugal and Sweden.

‡ At Berne, September 25, 1913, by Norway and all nations mentioned in the two preceding footnotes except Denmark and Luxemburg.

The powers of the Federal Government of the United States, though delegated powers, are each of them sovereign powers and keep pace in their development with the enlargement of the subject-matter amenable to them. Said the Court in *South Carolina vs. The United States*:

The Constitution is a written instrument. As such its meaning does not alter, and what it meant when adopted it means now. Being a grant of powers to a government, its language is general, and as changes come in social and political life, it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable." (199 U. S. 437, 448-9.)

With the growth of international trade relations, immigration, and other forms of international intercourse, the conditions of life within particular nations become of ever-increasing concern to their neighbors, with the result that treaty-making is extended to matters earlier deemed to lie quite within its sphere. In this general development the United States must and does participate and for the resultant legal responsibilities the powers of the central government are, if we are to adhere to the historically settled canons of Constitutional Law bearing on the subject, entirely adequate. In the words of Chief Justice Marshall: "The Constitution was designed for ages to come and must be adapted to the various exigencies of human affairs."

But it will be objected that the regulation of the hours and conditions of labor falls in the United States to what is called the police power of the states. This is true, but that fact does not withdraw the same subject from regulation by the Federal Government in the *bona fide* exercise of its powers. The Federal Government has only certain enumerated powers, but it may exercise these powers for all legitimate purposes of government. Thus objection was made to the recent Mann Act forbidding the transportation of women from one state to another for immoral purposes, that it did not regulate commerce among the states for commercial purposes, but for moral purposes, and that the regulation of the public morals falls to the states. But, said Justice McKenna, speaking for the unanimous Court:

"Our dual form of government has its perplexities, state and nation having different spheres of jurisdiction, but it must be kept in mind that we are one people; and the powers reserved to the states and those conferred on the nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare, material and moral." (*Hoke vs. U. S.*, 227 U. S., 308, 322.)

But now suppose the action taken by the Federal Government conflicts with that taken by the state, with reference to the same

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subject-matter. The pertinent provision of the Constitution is undoubtedly Art. VI, par. 2:

“This Constitution, the acts of Congress in pursuance thereof, and the treaties made or which shall be made under the authority of the United States, are the supreme law of the land; and the judges of each state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.”

The United States has since 1789 entered into dozens of Treaties of Amity and Commerce, Extradition Treaties, and Consular Conventions, every one of which had to greater or less extent invaded the field normally occupied by the states in the exercise of their reserved powers. Yet no treaty has ever been declared unconstitutional. This naturally is a subject I cannot enter upon at length in a short paper. I must be content to refer the inquirer to my recent volume entitled, *National Supremacy, Treaty Power vs. State Power* (Henry Holt).

But one treaty I should like to make specific reference to. This is the Convention of 1800 with France, which, in the language of the Supreme Court of the United States, gave citizens of France “the right to purchase and hold land in the United States,”—in contravention of the Common Law Rule, then prevalent in every state in the Union,—“removed the incapacity of alienage and placed them in precisely the same situation as if they had been citizens of this country.” This, indeed, to quote Attorney-General Cushing, is “the most expressive of all precedents, it having passed through the hands and received the approbation of John Adams, John Marshall, Oliver Ellsworth, Thomas Jefferson, and James Madison, who, if anybody, should have understood the Constitution.”

On the precise question therefore of the relation of the treaty-making power to the reserved rights of the states, our conclusion must be that the latter do not limit the former to any extent; that, in other words, the United States has exactly the same range of power in making treaties that it would have if the states did not exist. But I wish to point out further that the same rule of construction applies as to the powers of Congress, though those powers occupy only a portion of the whole field of legislative powers.

The Convention of 1787 desired nothing so much as to get rid of that state intervention which had wrecked the Articles of Confederation. This it accomplished in three ways: (1) By providing the national government with executive machinery of its own; (2) by making the national Supreme Court the final interpreter of the Constitution; (3) by providing for the supremacy in all cases of national authority as defined by the Constitution over conflicting state authority. The point of view of the Convention was voiced by Wilson thus:

"With respect to the province and object of the general government they (the states) should be considered as having no existence."

Later a motion was offered in the Convention prohibiting the national government "to interfere with the government of the individual states in any matters of internal police which respects the government of such state only and wherein the general welfare of the United States is not concerned." Despite the careful language in which it was couched the motion was voted down by eight states to two.*

The view that the reserved powers of the states compromise an independent limitation on national power probably found expression in the debate on Hamilton's Bank Project of 1791. Opposed as he was to the Bank, Madison pronounced the argument fallacious:

"Interference with the powers of the states," said he, "was no constitutional criterion of the power of Congress. If the power was not given, Congress could not exercise it; if given, they might exercise it, although it should interfere with the laws or even the constitution of the states." (Annals of Congress, Vol. II, Col. 1891.)

Nevertheless, a generation later the same motion was again afoot. "It has been contended," recites Chief Justice Marshall, in his opinion in *Gibbons vs. Ogden* (9 Wheat. 1, 1824), "that if a law passed by a state in the exercise of its acknowledged sovereignty comes into conflict with the law passed Congress in pursuance of the Constitution, they affect the subject and each other like equal and opposing powers." "But," the Chief Justice answered, "the framers of our Constitution foresaw this state of things and provided for it." Whenever the Federal Government has acted in the exercise of powers entrusted to it, "in every such case the act of Congress or the treaty is supreme, and the laws of the state, though enacted in the exercise of powers not controverted, must yield to it."

I admit that in the period between the death of Marshall and the Civil War, the doctrine of *Gibbons vs. Ogden* was temporarily abandoned for the view, in support of which a peculiar reading of the Tenth Amendment was given, that national power is limited by state power. But the Supreme Court has today returned to first principles. Of this such decisions as in *Henderson vs. New York* (92 U. S., 279, 1875); *In re Rahrer* (142 U. S., 545, 1891); the recent *Employers' Liability Cases* (*Mon-
dou vs. N. Y., N. H. & H. R. R. Co.*, 223 U. S.), and *Minnesota Rate Cases* (230 U. S.), furnish proof positive, to say nothing of a host of dicta.

Thus in the *Employers' Liability Cases*, the Court was confronted with the now notorious decision of Chief Justice Bald-

* The scope and import of Article VI, Paragraph 2, was well understood by the opponents of the Constitution: see *Federalist*, 44 and 64.

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win of the Connecticut Supreme Court in the Hoxie Case, in which enforcement had been refused the act of Congress on the ground of its disharmony with "the policy of the state." Strangely unaware as the Connecticut court showed itself to be of the established canons of Constitutional Law, its view must after all be admitted to have been the inevitable one if the reserved powers of the states limit national power. But, as I say, the Supreme Court of the United States no longer subscribes to this doctrine. The theory of the Connecticut court was accordingly swept aside, in the following language taken from the Court's earlier opinion in *Smith vs. Alabama*:

"The grant of power to Congress to regulate Congress . . . is paramount over all legislative powers which, in consequence of not having been granted to Congress, are reserved to the states. It follows that any legislation of a state, although in pursuance of an acknowledged power reserved to it, which conflicts with the actual exercise of the power of Congress over the subject of commerce, must give away before the supremacy of the national authority." (124 U. S., 508, 1888.)

In the Minnesota Rate Cases, 230 U. S., the Court invited Congress to take over the business of regulating intra-state rates so far as might be necessary and proper to make effective its regulation of interstate rates.

No doubt the same general principles determine the scope of the treaty-making power of the United States and the auxiliary powers of Congress under the "necessary and proper" clause of the Constitution. *Let a matter arise that is of genuine international concern and the national power to negotiate treaties with reference to it and to give those treaties the force and effect of law of the land becomes perfected.* At this very moment I am informed from reliable sources an agreement is in process of formation with the Dominion of Canada which will have for its purpose the extension of the provisions of the recent Weeks-McLean Migratory Bird Law to the case of birds passing from Canada. It would be difficult to distinguish such a treaty in principle from one of the sort mentioned at the opening of this paper, for the state's police power with reference to its wild game is well settled. (*Geer vs. Conn.*, 161 U. S.). The precedent will be the more precious from its origin with a state-rights Administration.

The whole question, then, is wrapped up in the phrase "genuine international concern," and this, as I have indicated, is a thing ever advancing and developing. What with cable, steamship, wireless telegraphy and inter-oceanic canals, the world to-day is astonishingly small and the consequence is that the nations can no longer live unto themselves as formerly. The rise of an international police power (Cuba and China and Mexico) and of an international power of eminent domain (Panama) exer-

cisable by the fitter members in the family of nations, is a development clear and palpable before our eyes. The development of uniform national legislation, of a social character in pursuance of international agreement, is but another phase of the broader development of international solidarity.

And it is the fundamental contention of this paper that the United States is competent to march abreast of this development. (Applause.)

The CHAIRMAN: Mr. CLINTON ROGERS WOODRUFF, President of the Board of Registration Commissioners for Philadelphia, will now address us.

THE SPIRIT BEHIND INTERNATIONAL ARBITRATION

REMARKS BY MR. CLINTON ROGERS WOODRUFF

I was asked to speak on "guiding principles in treaty interpretation,"—an extremely interesting and important subject; but I told Mr. Phillips that personally I was far more interested that treaties should be interpreted in the spirit that for twenty years has pervaded the Mohonk Conferences. So, instead of following exactly the prescribed order, I should like to say a few things which have suggested themselves to me to-day, because this is the Twentieth Conference and because it has been my good fortune to be present at seventeen of the twenty conferences.

We have had a very interesting and far-reaching address by our presiding officer, a very admirable address in the nature of a review of international arbitration treaties by Mr. Tryon. Otherwise, perhaps, there has not been as much reference to arbitration as usual. In that, it has seemed to me we have gotten slightly away from the objects and purposes of the Mohonk Conferences. Mr. Smiley, in his opening remarks, spoke of the instincts of the primeval man, and of the necessity under certain circumstances of a policeman's club to keep order. It has always been recognized by those who have participated in these conferences that man has not yet reached a state of perfection, and that the object of those who gathered here should be so to improve conditions that man might reach a higher standard, that man might more keenly and more completely realize his duty and his obligations.

Through all the various conferences has constantly run the thought, which Professor Corwin in his exceptionally suggestive paper has blocked out for us, of the increasing solidarity of mankind. In the earlier conferences, most of the subjects dealt with the thought that the golden rule was not only for individual

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and private conduct, but was equally applicable to national and international conduct and international relations, and it was the duty of those who believed in the golden rule to speed the time when it should prevail generally and universally, and that the laws of private conduct should be extended as rapidly as possible to apply to controversies between nations.

There has been running through all the conferences, from the beginning, an interest in the spirit which should prevail between nations rather than in the mechanism of those relationships. There are those who say, "You have been for a number of years working for international arbitration; what are the results?" What have we to show? We have this to show, and this, perhaps, is the most substantial achievement, as Mr. Tryón has pointed out in his paper,—an increasing willingness on the part of nations of the world to submit their difficulties to arbitration. And it seems to me that the thing we should aim for, not only in these conferences, but in all the streams of influence that run out from them—and the streams are numerous and growing evermore numerous as the days go by,—is to create that public spirit which Professor Moore has said is, after all, essential to a complete triumph of the cause for which we stand.

I remember keenly how in the early days, there was more or less insistence by those who believed in peace at any price, that this was a Peace Conference; but that Christian statesman, Albert K. Smiley, whose spirit broods over all our proceedings and who has guided this great movement for international arbitration as no other man, and I say it deliberately, saw that peace would come as a necessary and inevitable result as the cause of international arbitration grew and prospered, and that the course for wise men and women to pursue was to strengthen the demand and desire for international arbitration in the hearts of all the people wherever they might be. (Applause.)

Now, as we have gathered from time to time, we have, as Mr. Smiley in his opening remarks suggested, had a feeling that possibly after all the cause of international arbitration was not proceeding as rapidly as some of the more zealous of us would desire, that there were disputes breaking out between nations, that there were wars and rumors of wars between nations, and reference was made in one of the papers to the difficulties existing in eastern Europe, especially Albania, as if those were real and substantial arguments. It ought to be our attitude, and I am sure it is the attitude of those who represent the Mohonk Conference, to see these things in their true light. We know today more about the Balkans because we realize as we did not a generation or so ago that their people are men and brethren, that after all we are brothers one of another throughout the length and breadth of the world. We are living in a period

characterized by a zeal for social service, for the fulfillment of the second great commandment which our blessed Lord has given us, and the world realizes through international arbitration that that second commandment is of valid and binding force upon all mankind; and believing that as profoundly as we do, that which occurs in Albania, and the Balkan States, that which occurred in far off Asia, is to-day of great vital importance, more important than ever before. Those familiar with history will tell you that they are no worse, in fact, much better than they were. Our depression arises from the fact that we know about those conditions as we never knew before, and, knowing them, we feel a concern,—and let me tell you that far from being a cause for depression that knowledge should be a cause for wise rejoicing, because it means that we are beginning to realize in a very effective and concrete way that we are brothers one of another, and therefore of the peoples in those far distant places, removed though they be by many differences of language and of antecedents and that what goes on there is of vital importance to man wherever he may be. (Applause.)

The spirit and genius of Mohonk from the beginning has been to emphasize just that interest. Take the composition of these conferences and their uplifting and inspiring influences, and you will find they represent the ends of the earth. To-night we have had here a paper which I venture to say will be regarded as an epoch-marking paper, one of the most striking presentations of conditions of the Latin-American and Anglo-American civilization that it has ever been my good fortune to hear. It is that sort of self-revelation, that sort of self-examination, that sort of thoughtful study, under auspices like these, that is going to make mightily for a better understanding on the part of the people of the world. When people know one another, and know one another thoroughly, and respect one another, as a result of that knowledge, founded upon a knowledge of the facts, and of the conditions, then there is very much less likelihood of those who may differ, and differences are human and inevitable, settling those differences in any other than a Christian and humane way, submitting them to the arbitrament of reason, to the arbitrament of disinterested umpires, who will examine the questions in all their phases.

I am not here to-night to plead for any particular form of treaty or any particular canon of treaty interpretation. I am here to plead for a more consecrated effort upon the part of those who have had the benefit of communing here at Lake Mohonk, under the influence of the Smileys, that there may be a greater growth of the social consciousness of mankind throughout the world.

INTERNATIONAL ARBITRATION

We are living in a great age. Some of us, when we were young, as we read history, used to think that all the great days were in the past, in the "golden past," as we were accustomed to call it. My dear friends, let me tell you in the words of Emerson, we are living only in the cock-crowing-to-the-dawn period.

Professor Corwin pointed out a possibility for international co-operation of the farthest-reaching importance. Think what it means when the men and women of various nations join hands in an international agreement to do away with some of the horrors of modern industrialism, to raise the standards of life of the working people of the world, and to do away with adverse differences, which have heretofore threatened the very basis of our society and which are at the bottom of the unrest which has been characteristic of the last dozen or fifteen years!

So this movement for international arbitration is concerned not only with The Hague tribunal, important as it is; we are interested in The Hague tribunal not only because it in a way was foreshadowed by the early Mohonk Conferences, and because it approaches in a concrete way the ideals toward which we are working, but we are interested in other forms of arbitration and settlement, too, far above all of that; we are interested in the idea that lies at the basis of it all, and which, from the very beginning, was the foundation plank in the work of the Mohonk Conferences. We need international brotherhood, that drawing closer and closer of those ties which make it more and more difficult to settle our difficulties other than in a reasonable and Christian way.

Look at what has grown out of these conferences; not only a greater interest on the part of public men, men high in authority, not only an interest on the part of the women through all their organizations, of business men, with all that they represent, but an interest on the part of the educators and on the part of the coming generation, the boys and the girls and the men and the women who are to be the compelling and controlling powers of the next generation. I tell you it is a mighty privilege that you and I—and I do not often talk of privileges, because I think the emphasis should be put on duty and obligation rather than privilege,—but it does us good once in a while to think of the privilege you and I have had in co-operating with a work which has stimulated so widely and so fully a movement which is so completely and thoroughly a characteristic of the present-day age, and that is this movement for international brotherhood, through promoting a general and in time a universal desire upon the part of the peoples of the world to settle their difficulties by international arbitration. It is a source of very sincere satisfaction to know that this work has grown as it has. It cannot

be measured by the yardstick, nor weighed on the scales, or photographed, but go where you will you will find that the nations have more generally recognized the solidarity of mankind and the fact that those great principles which the Founder of the Christian religion laid down are not of narrow application but of universal application, not of application to private affairs but to public affairs of all kinds. Oh, my friends! you and I have a great opportunity, because, as I said a moment ago, we are living at the cock-crowing-to-the-dawn period of the greatest civilization that has yet been and that is because it is a civilization which is world-wide in its application, a civilization world-wide in its sympathy, broad and general, recognizing the brotherhood of all mankind! (Applause.)

The CHAIRMAN: A report was to have been made this evening by the committee on the subject of legislation to protect the treaty rights of aliens. The gentleman who was to have made that report, Dr. George W. Kirchwey, is not here, and Mr. W. H. SHORT, Executive Secretary of the New York Peace Society, has been so good as to undertake to present the subject to us.

FEDERAL PROTECTION OF ALIENS IN THE UNITED STATES

REMARKS BY MR. WILLIAM H. SHORT

I am asked to occupy—although I shall not fill—the place of Dr. Kirchwey in making a statement and a report on the subject which has been referred to by the Chairman in his introduction.

Ex-President Taft, in the second of a series of four addresses given in New York during the past winter, spoke on the topic, "Shall the Federal Government Protect Aliens Resident in the United States in their Treaty Rights?" Those who are interested in this address can find it in the "New York Independent," in the first and second issues for the month of February, I think. With the other addresses, it will soon be issued in a volume by Scribners. As one reads this discussion there are two important points and a conclusion which stand out with very great plainness.

The first of these is that, since 1811, a long series of events have occurred in this country in which the rights of aliens have been invaded. I ought to put it stronger than that,—there has been a long list of outrages by citizens in which the lives of aliens have been taken by mob violence. Mr. Taft referred to twenty or more outbreaks of this sort, occurring since 1885, or in a little less than thirty years,—more than twenty instances in which the

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lives of aliens have been taken by mobs. The most serious of these, was the shocking case in New Orleans in 1891, when, I believe, nine Italians were lynched by a mob and we came into serious misunderstanding, as you will remember, with the Italian government in consequence.

Mr. Taft stated, moreover, that so far as he had been able to discover, punishment had not been meted out to the perpetrators in a single instance. Their history, he said, showed that the local authorities in the various states were either sympathetic with the acts of the mobs or overawed by them so that they took no action against their members. While the constituted authorities in the states have been unwilling to punish, there has been no federal legislation which made it possible for the Federal Government to deal with these offenses either in the way of prevention or of punishment. When protests have been made by foreign governments, as have frequently been done, our Secretaries of State have been compelled to fall back, in every instance, upon the plea that our Government is a federation of states, that the central government has only certain delegated powers, and that the protection of the lives and rights of aliens resident in the United States is under our system the responsibility of the local authorities of the several states.

Mr. Taft's second point is that a very real and serious menace to our peace as a nation grows out of the probable recurrence from time to time of unpunished outrages against citizens of other governments such as those which have occurred so frequently during the past years.

The inevitable conclusion is that we would do wisely to deal with this situation and to remedy the weakness growing out of our federated system at the earliest possible moment. It is better to do it in a time when there is no controversy with a foreign government on account of wrongs suffered by its citizens,—a controversy which very likely would appeal to the passions of the people of both countries. For the sake of our self-respect as a nation we need to be able to accord the protection guaranteed in our treaties. For the protection of our nation, which, as things now are, is liable at any time,—over night, as it were—to find itself brought to the verge of war because of the action of a mob in some State, it is necessary that the Federal Government shall be given undisputed jurisdiction and full power in this realm.

There is in existence a standing committee of this Conference on the subject of legislation for the protection of the rights of aliens resident in the United States. It was appointed in 1910, and consisted of Senator Root, Governor Baldwin and Prof. Kirchwey. Its report was made through Prof. Kirchwey in 1911, and can be found on page 189 of the Report of the Con-

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ference for that year. The resolutions which were brought forward by the committee at that time and made a part of the record cover substantially the same ground and are in full agreement with the points to which I have referred as made by Mr. Taft in his address last winter.

And what is the remedy proposed? It is the adoption of Federal legislation which shall first of all give jurisdiction to Federal courts in all matters of wrong or violence done to resident aliens. It is further proposed that Congress shall give power to the President, in case of threatened violence to aliens in any state, to stretch out the arm of Federal protection in their behalf before the blow falls, thus making effective our promises of protection guaranteed in a hundred treaties.

The question naturally arises, Is the proposed legislation constitutional? Names which bear very great weight could be brought forward against the constitutionality of such legislation. I believe that a committee of the American Bar Association at one time argued that the Federal Government does not have power to pass such legislation and that the matter was dropped so far as the Bar Association was then concerned.

But the committee of this Conference, which has upon it names of very great weight in the realm of constitutional law, is unanimous in the belief that such legislation would be declared constitutional by our Supreme Court. Mr. Taft believes that it is constitutional, and remarked that, except for the opinion expressed by the committee of the Bar Association to the contrary, he would not have considered it necessary to discuss the question of constitutionality. The fact that a series of Presidents of the United States, among whom might be named Mr. Harrison, Mr. McKinley, Mr. Roosevelt and Mr. Taft, have all asked that such legislation be passed by Congress, makes it evident that they believe Congress to have the right to legislate on the subject. Of course many other names could be brought forward to support their view. So far as this Conference is concerned, it has for some years been acting on the belief that such legislation is constitutional, and has continued its committee and instructed it to use all diligence for the purpose of securing the passage by Congress of legislation which will fully and amply protect aliens resident in this country.

Now I come to the practical part of this report. The address of ex-President Taft has brought to light much interest in this matter. A committee has been formed in New York and an invitation is just about to go out in the names of Mr. Taft, our presiding officer, Dr. Moore, Governor Baldwin, Mr. Jacob H. Schiff, Prof. Kirchwey and others, inviting a group of men to meet and consider whether the securing of the desired legislation shall be undertaken at the present time. The belief of

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those calling the meeting is, if I understand them right, that we ought to make ready to press the question upon Congress as long and earnestly as may be necessary in order finally to settle this question. The purpose of placing these facts before the members of this Conference is to ask for their co-operation, both as individuals and as a Conference, in the movement which it is proposed to undertake. (Applause.)

The CHAIRMAN: The formal program of this session being finished, discussion of the subjects thus far treated is in order. The Chair is glad to recognize Mr. CRAMMOND KENNEDY of Washington, D. C., a gentleman of large personal experience in the practical working of arbitration.

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REMARKS BY MR. CRAMMOND KENNEDY*

It is very interesting and greatly hopeful to find in the treaty of Guadalupe Hidalgo between the United States and Mexico a provision for the very attempt at pacification that is now going on at Niagara. I was greatly impressed with the reference that Dr. Tryon made to this coincidence. The article is not long and I will read it, and you must keep in your mind the situation that confronts us when we look towards Mexico, all the issues that are hung suspended, with terrible possibilities on one side and the greatly to be desired outcome on the other. Now this was the lesson that the United States learned in its war with Mexico and put on record at its close. The date of the treaty is 1848, and Article XXI reads as follows:

"If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments in the name of those nations do promise to each other that they will endeavor in the most sincere and earnest manner to settle the differences so arising and to preserve the state of peace and friendship in which the two countries are now placing themselves, using for this end mutual representations and pacific negotiations. And if by these means they should not be enabled to come to an agreement, a resort shall not on this account be had to reprisals, aggression or hostility of any kind by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered in the spirit of peace and good neighborhood whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly

* Owing to the congestion of the program, Mr. Kennedy's extemporaneous remarks were made at the following session, but are printed here for their relation to preceding speeches.—ED.

nation. And should such course be proposed by either party, it shall be acceded to by the other unless deemed by it altogether incompatible with the nature of the difference or the circumstances of the case."

A question has lately arisen and has been somewhat debated in the newspapers whether it was at the initiative of our government or of the governments represented by the three mediators that this movement for the settlement of our differences with Mexico was started. I say it does not make a bit of difference which side started it. It was the one bright blessed thing shining out of the gathering darkness, and if our government suggested it to the A. B. C. powers, then I say that our government did the right thing. If the A. B. C. powers suggested it either as governments of their own motion, or on suggestion of their ministers in Washington, then I say that all concerned did the right thing. I am glad we sent that message in the name of this Conference, which was read to us, wishing the mediators all success in their mission. (Applause.)

Wisdom consists largely in the sense of proportion, in appreciation of the relative values of things. I have been ashamed—if that is not too strong a word to use; I have been chagrined and have deeply regretted that we should have taken possession of a sea-port of our neighbor upon the ostensible cause of the seizure. It would have been far better, it seems to me, if on account of the atrocities that have characterized this internecine strife in Mexico, we had given notice to the belligerents that they must conduct their warfare according to the modern rules. I think when, as a nation, we asked Carranza for protection for the Spaniards within his lines, and the reply was what it was, the expulsion of men and women from their homes, extortion of money from them and their relegation to that dreadful exodus in which there was such suffering, it seems to me that if some great issue which would stir the heart of humanity, had been made the occasion of our intervention and the occupation of Vera Cruz, it would have put us in a better light before the world. But we have intervened, and we are holding the port, and now the mediators are trying to bring about a settlement of the differences between the two nations, or between the United States and Huerta's government, and, of course, we can only wish them Godspeed,—all the more by reason of our sorrow and regret. The great thing is not so much the arrangement of questions between the United States and Mexico as it is to bring peace to that war-worn and unfortunate country, to bring her people into a condition where they can take up the problems of civil and political life again, and go on in their progress as a nation.

There is in this same treaty a provision of the most humane and advanced kind for the protection and care of prisoners.

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It is an awful thing when brave men, officers and soldiers alike, who have fought for the cause that they think is right, and even if they have had no such ideal at all, are defeated and captured, to have them stood up against a wall and shot to death. I do think there ought to be—and it is line with this treaty—a protest from the United States against such barbarism. I am not taking sides with Huerta or with Villa. Wherever war is carried on in Mexico there should be an end of these shocking atrocities.

To change the subject, just exactly fifty years ago this month, I sat on my horse outside of a forest, and I saw Burnside's Ninth Army Corps go into the wilderness to reinforce Grant. But why should I recall the horrors of the "Wilderness?" Perhaps because it gives more effect to the glorious memory of Grant as a lover of peace. There he was, master of the terrible situation on the eve of the subjugation of the Confederate armies. And yet most of us remember him now not only as the soldier, but also for this, that when the war was over and our hearts were full of anger and resentment at the mother country—for many of us felt she had been too hasty in recognizing the Confederacy and that she had not sympathized with us as she ought to have done in our real abhorrence of slavery and had given too much of her sympathy to the South—then, when our commerce had been chased from the sea by the cruisers that had been let go from her ports and the darkest cloud that could have come down upon Christendom was gathering on the horizon, and war was threatening between Great Britain and the United States—at this crisis it was General Grant, aided by his sagacious and statesmanlike Secretary of State, Hamilton Fish,

"Who kept the peace of Christendom,
And righted wrong by arbitration."

We think of him and of Lincoln together when we look back to those days. Lincoln was dead,—emancipator and martyr. Grant gave us peace by arbitration with England. He not only conquered the "Confederates," but he treated them, when they surrendered, as fellow-countrymen and friends, and kept the country at peace at home and abroad; and for that we remember him with Lincoln, as we think of them and pay them our tribute of gratitude and homage in this Conference on international arbitration. (Applause.)

The CHAIRMAN: Several references have been made to the situation in the Balkan States. Professor SAMUEL T. DUTTON, of the Teachers College, New York, recently a member of the International Commission to visit the Balkan States, has kindly undertaken to make some remarks on the subject.

THE EFFECTS OF WAR AS SEEN IN THE BALKANS

REMARKS BY PROFESSOR SAMUEL T. DUTTON

I shall not attempt in ten minutes to give you an adequate idea as to what has occurred in the Balkan States during the last year and a half. I shall pass over practically everything historical and, referring simply to some very concrete matters, speak very bluntly and frankly.

A million and a half of men were employed in these wars and at least half a million were either killed or crippled for life. How many people were massacred nobody knows. There was an excellent opportunity to see the effect of modern engines of war in the hospitals and to hear of what occurred on the battlefields. Whole regiments were torn in pieces and we saw in visiting the hospitals in three countries all kinds of wounds from the head to the feet, many of them showing that dum-dum bullets were used, and the story of some of these cases was terrible to hear. There were thousands lying on the field, after two of their greatest battles, Kirkelisse and Lule Burgas, and only a few comparatively could be brought to the field hospitals. Their doctors were few in number, their nurses inexperienced and young, and so these poor wounded people received only the most crude and inadequate treatment. They were then loaded upon bullock carts and had before them a journey of seven or eight days before they could reach Sofia and go into a regular hospital. We saw men in the hospitals who had lain upon the battlefield anywhere from one to eight days, before receiving any treatment, and of course this is a great tribute to the endurance of the Slavic men. Not only was there an enormous amount of suffering, and loss of life, but I am sorry to tell you that on more than one battlefield, and by more than one nation, there were mutilations and tortures of the wounded most incredible, which cannot be described. Another item, of course, is the treatment of the sick. I will speak only of the cholera which broke out in Thrace. The Bulgarians and the Turks had all they could do to carry the sick to what they called a cholera camp. For many days there were no doctors or nurses. The sick and dead alike were thrown over the backs of donkeys and carried to this camp.

In speaking of the prisoners, I will refer to but one instance. There were not many prisoners. In many cases they were not permitted to take prisoners, but a great many Turkish prisoners were taken in the first war by the Bulgarians. They were corralled in a forest. I am not saying this to make a point against the Bulgarians. Their commissariat was very inadequate. They had no proper provisions for the care of these prisoners. They simply placed them there. The weather was inclement, they had poor clothing, almost no food, and the consequence was they died.

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A member of our commission took photographs of that forest, which will be in our report. From every tree to be seen the bark was gnawed as high as the men could reach, showing to what stress they were reduced for sustenance.

I must refer also to the refugees, of whom I suppose there were half a million in all. Of these the larger number were Turks and Bulgarians, at least one hundred and fifty thousand. The several countries during the past winter have had all they could do to take care of those who were driven from their homes, leaving everything, often going out at a moment's notice. This is one of the saddest features of the war. We saw some forty thousand of these Turkish refugees on the plains near Salonika. We went out and interviewed them. They were driven, many of them, from that portion of Macedonia which fell to the Bulgarians after the treaty had been signed. We have in our report a list of one hundred and sixty villages from which the inhabitants were driven and which were destroyed by the Greeks after the treaty of Bucharest was signed. So when the Chairman, this morning, declared the war was not over he was very near the truth, because the war has really continued to this time. Only last autumn one hundred villages were destroyed in Albania by the Servians. I have made inquiry of some Servian people in regard to this. They say that the trouble all came over the question of a few sheep. The Albanians committed some depredations over the border and the Servians mobilized their army and went over and destroyed the villages.

Of course, we are speaking here of peoples who socially and educationally are backward. There are many well educated men in all these countries, as you know, but historically of course they have had independence only a few years. The masses are ignorant; that is, illiterate. You cannot help admiring the soldiers, many of them young, whom you see. But these iniquities and cruelties, which were first practiced in the war of the allies against the Turks, were all repeated when the allies turned against each other.

The whole history of those two wars was a history not merely of battles but of atrocities. It was a recrudescence of all the terrible things that have occurred during the last five hundred years in that Eastern country. Every outrage, every cruelty that the Turks practised upon Christian peoples, were repaid and more than repaid by these so-called Christian nations. There was a very common formula, followed by all these nations in the second war. When they came to a village which belonged to the enemy, it was the custom to surround it, to gather all the people together, to separate the men from the women and children, to put all the women and children in a mosque or a church under guard, then to escort the men out of the village and there by means of threats

and tortures, and even by killing, to extort from them every possible penny that they could get. After that was done, in many cases, the men were slaughtered, or, in some cases, taken away. Then there followed in that village an orgy, you might say, of crime and violence which I will not describe here. Then the houses were plundered, the loot was taken away on bullock carts and the village was burned. This occurred in hundreds and hundreds of cases. In our travels we saw these villages and we saw the people. It was sad enough to see them. How brave they were! We saw them standing by their ruined homes, trying to make some sort of a beginning again. I must pay a tribute to the courage of these people, especially the women, whom we saw, who perhaps had lost everything, yet trying to be brave and commence life under those terrible circumstances.

If I were to be a little more definite and concrete I think I should select what happened in the city of Serres. In southern Macedonia there was this city of six thousand houses, a city which has grown and become prosperous on account of its being one of the strongholds of the American Tobacco Company. The Greeks were in control at first. They arrested and slaughtered in a girls' schoolhouse about two hundred Bulgarians. Then the Bulgarians came in and arrested all the Greeks there were, thirteen in number, took them to a prison, tortured them for several hours and then pinned them to the floors with bayonets.

Now, if you will permit me, I will tell you just how we know exactly what occurred in those two cases, and it will show you, I think, that we were very careful in what we published. I do this because some are disputing the authenticity of what we have said. In the first place, in the slaughter to which I have referred, just as the thing was approaching completion it was reported that the Bulgarian army was coming. The process was somewhat hastened and some ten men were left on the floor for dead, who afterwards crawled out, got away and escaped to Bulgaria. Our commission took testimony from at least five of those men, and we have photographs of them, and of their wounds. They told us in detail just what happened, how it was all managed, how long it took, etc. In the other instance, the story of these men was told by the manager of the American Tobacco Company there, who is a very reputable man. One of the foremen in his shop was arrested, and he was among those who were tortured as I have told you. This representative of the Tobacco Company went to the prison after the occurrence, and found this man among the corpses on the floor. Finding that he was still alive, he took him out, carried him to the hospital, and he lived until the next day, and described what he had seen and what had happened in prison. I mention these things as an illustration of the care we have taken. We have also published many pages of

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concrete instances, much more terrible than those I have mentioned to you, but not in a single case have we said anything on which we have not firsthand testimony.

Now I want to refer to what we may call the moral consequences. The only justification for bringing to you at the close of a valuable evening here such horrors is that if we are going to stop war it is proper for us to know just what war is, and few of us know. I confess I had no idea until last summer. Of course Dr. Seaman here could tell you, because he has seen many wars and has seen more of its cruelties than I have. Of course, there are vast economic consequences, but I will speak only of the moral consequences. Think first of the vast number of people, more or less ignorant, who had to suffer these things. Wherever the battles raged or wherever the armies went they suffered. We have not published a word in our report about the Roumanians; they announced to the world they were making a peaceful march across Bulgaria. We have abundant evidence to show that Roumania not only devastated but treated in the most ignoble and cruel manner many of the people they found upon their march. Think of all these people, the survivors, think of what they have endured. You may think of the physical, the material damages, but consider their feelings! But I want to refer more particularly to the moral consequences as affecting those who perpetrated the crimes. Think of a million or more young men who did these things and rejoiced in them. We have those letters of the Greek soldiers, which our Greek friends say are spurious; but I tell you right here that we had upon our commission two men who spoke and read modern Greek fluently. They made a most careful examination of these two or three hundred letters which were captured and said there were not enough people in all Bulgaria who could write Greek and produce these letters. In these letters we found many naïve, cheerful statements of what had been done, in the way of cruel treatment of prisoners and citizens. Think what happens when a million young men who have gone through this experience, often under orders week after week, are finally sent back to their peasant homes up in the mountains or down in the valleys. These young men many of them can neither read nor write. They tell their stories over and over and they enter into their folk lore, their songs and their prayers. There is no sharp distinction among these people between nationality and religion. It is all one thing with them; they do not go to the church for their religion, but look within themselves. It is a natural primitive religion. I say they carry back into those villages a moral poison which infects and injures the whole body politic and which it will take years and centuries, perhaps, to eradicate. The question is, Who is responsible for this? I say bluntly, the

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civilized nations of the world are responsible. We all partake a little of the responsibility until we have done everything in our power before God to put an end to such wars. I will go further and say that the Christian world is potential in curing this evil, in making it possible that another such war shall never happen. Are we going to determine that such a thing shall not occur again? I leave that question with you. The answer as to how it can be done, we cannot go into now, but it seems to me that in such bodies as this and among Christian people generally there should be a serious conviction and determination that the time has come for such things to cease in the Christian world. (Applause.)

The CHAIRMAN: I now have the pleasure to announce that Dr. LOUIS LIVINGSTON SEAMAN, of New York, whose opportunities for first-hand observation of war have been large, will address us on the subject of the Balkan conflict.

WHAT WILL BE THE AFTERMATH OF THE BALKANS?

REMARKS BY MAJOR LOUIS LIVINGSTON SEAMAN, M. D.*

Being deeply interested in military sanitation, after an experience as military surgeon and observer in the Spanish-American, Philippine, Boxer, South African, Zulu, and Russo-Japanese wars, I visited the Balkans during the late conflict to learn of conditions there. But sanitation was an unknown feature in that contest, being conspicuous only by its absence, while the war itself was a luminous exhibition of the utter fallacy of settling disputed questions by *might* rather than by *right*.

The land for two thousand years has been the bloodiest battlefield of Europe. Its fortresses have for centuries challenged the assaults of Goth and Visigoth, Hun and Vandal, Mongol and Tartar, Serb, Bulgar and Ottoman in their vain attempts to overrun Europe. The Crusaders there found a happy hunting ground, and some five hundred years later came the Ottoman, who by superior military strategy and overwhelming numbers forced all under his dominion where he held them in feudal bondage until thirty-five years ago, when, by successful revolution, the Bulgar and Serb and Roumanian secured their complete autonomy as declared in the Treaty of Berlin. Naught more remained of Turkish territory in Europe but Macedonia, Thrace and Albania. But the implacable racial hatred existing between the various nationalities of the Balkans, due to their differences of religion, where Jew and Gentile, Catholicism, Greek and

* Owing to a congested program, Dr. Seaman's remarks were postponed one session, but are printed here for their connection.—Ed.

BALKAN WARS

Roman, and Mohammedanism prevailed, together with jealousies and rivalries, differences of habits, customs, dress, national traditions and ideals, which for fifteen hundred years led to constant friction and internecine wars, had been temporarily checked by the overpowering Turk who ruled with a rod of iron. There had, however, been no fusion of national interests, no melting pot, no changes of religion or unity of sentiment except on the one point of mutual hatred of the tyrannical Turk, and on his withdrawal there returned the jealousies and hatred of former years when the war spirit needed but a spark to kindle it into open hostility.

The Turk still ruled in Macedonia, whose population was largely made up of Bulgars, Serbs and Greeks and Valachs, with as great a variety of religions as of tongues in the Tower of Babel.

The Treaty of Berlin, to which the Great Powers as well as Turkey were signatories, had promised certain reforms and political rights to Macedonia, which Turkey ignored, and which the Powers never attempted to enforce. In recent years Teutonic diplomacy had played an important rôle at Constantinople. German officers were engaged as instructors, Krupp munitions were supplied to the army, for which certain railway and other concessions were granted; all tending to show the preponderance of German interests, which excited the jealousy of more than one of the capitals of Europe. Especially did Russia regard this as a danger, so that last year, when the power of Turkey had been seriously weakened in her war with Italy, it was easy to initiate a movement to drive the Turk from Europe and to increase her own prestige. Undoubtedly the Balkan war was preconcerted under Russian auspices, with the ultimate hope of attaining her ambition not only in the Orient, but also to gratify her political aspirations in regard to the Dual Empire. The superb rifled artillery of the Bulgarian army, much of which I inspected last summer, was paid for with Russian coin. It was easy by clever diplomacy and financial aid to fire the patriotic spirit of the Bulgars, who were always ready for a fight, and the Balkan alliance with Servia and Greece was quickly formed with the avowed purpose of emancipating Macedonia from Turkish rule and giving her autonomy. This was demanded by the Allies in a joint note sent to Constantinople. It was received with indifference by the Turks. Did the Great Powers *then*, by a demonstration of force, compel Turkey to carry out the provisions of the Treaty of Berlin to which they were also signatories, and so force the reforms demanded? On the contrary, they notified the Allies that no advantages would be gained by war. The Allies thought differently—war promptly followed, and Turkish territory in Europe was reduced ninety per cent. within thirty

days; and a belief prevailed that but for the interference of the Powers, the Crescent would have been driven from the Continent of Europe.

Thus did the concert of Powers break the faith, and become responsible for the war. By their verdict, which broke all precedent, all principles of Christianity, and all rules of fair play, they proved themselves unworthy of trust or belief.

The most dreadful pathos of the situation, however, was to follow. When the Powers recognized that in the fall of the Sultan their own prestige in the Orient was threatened, and that a new Power had suddenly appeared which might not be so easily reckoned with, or made subservient to their wishes, they realized the new danger, and determined that the status quo must be preserved. Turkey must be saved. Concessions and trade routes to the Orient must be guarded—the cork must remain in the Black Sea bottle, and diplomatic pressure was used to secure that end. Friction had arisen among the Allies over the division of the domain from which the Turk had been driven—over the spoils of war. This might easily have been settled by the Powers, had they so determined, but they remained passive until reconciliations became impossible, and suddenly, almost without premeditation, the Allies were plunged into a second war, more bitter and bloody than that from which they had just emerged. A narrative of this internecine tragedy is written in the massacres and atrocities that followed. Like pawns upon a chess board the combatants were played, until the shadow of death rested upon almost every household in the land, when not only the flower of the armies, but the young and old and almost decrepit—even the prisons were emptied, and their inmates, many of whom I saw unshackled and sent to the firing line as cannon fodder, were slaughtered like swine in the shambles.

Then, too, it was that pestilence played its deadly rôle. Careful preparation in the form of medical and surgical equipment had been made for the troops in the war with Turkey. But the second war, the internecine conflict, burst most unexpectedly and with terrible severity. In this sudden emergency medical and sanitary preparations had been overlooked. Among the Turkish troops impressed from Asia were stray cases of cholera, and the infection was carried to Adrianople, where it rapidly and materially reduced the power of resistance of the army of occupation. And when the victorious Bulgarians found themselves within the city, with its polluted water supply, the same scourge and other preventable diseases appeared—enemies which history has shown cause a mortality of from five to twenty times greater than the combined engines of destruction. Pestilence spread with terrible rapidity. Detachments of Bulgarian troops centered in Adrianople had been sent to meet the Greek, the Servian, the Albanian

and the Montenegrin, all of whom had combined against her, and with them went the germs of infectious disease, where in many cases it spread like a prairie fire. In a single deserted Bulgarian camp over a thousand unburied victims of this disease were found.

The total mortality of the various armies in their successive campaigns, due to battle casualties, cholera and other preventable diseases, will never be accurately recorded. It is estimated at nearly 400,000, or more than double that of the Japanese and Russians in the Manchurian wars; while the human wreckage and financial loss is sufficient to cripple the contestants for a generation. All this terrible human suffering and wreckage, the massacres and atrocities and cruelties and financial loss, could have been prevented by the Great Powers had they so desired or determined, just as easily as at a later date they dictated the creation of Albania as an autonomous state, or that Scutari must be ceded by Montenegro to Albania. In view of these facts, who can challenge the evidence that the Powers did surreptitiously countenance the events which almost threatened the extermination of the participants, and so crippled their resources that years must elapse before they can again make themselves a factor in the politics of Europe?

Well may the Macedonian cry "a curse on both your houses," for those of her people who escaped massacre or death in other form are left with broken hearts and aspirations shattered, while their country is destined to be the hot-bed or theater of the next scene of the tragedy. Greece and Servia have each nearly doubled their territory—their additions being respectively eighty-seven and eighty per cent., not one inch of which increase would they have secured but for the brilliant Bulgarian victories. Montenegro gained sixty-seven per cent. Albania is created, and given autonomy and 10,900 square miles; Roumania, by bluff and blackmail, without the loss of a single soldier's life, is awarded 3,600 square miles at the expense of Bulgaria—while the latter increases her holdings only sixteen per cent., notwithstanding she contributed more to victory than the combined forces of all the others. More than 50,000 of the flower of her army are dead; as many more are left life-long cripples; her finances wrecked, and her cup of bitterness is left overflowing with hatred and jealousy. Such are the fortunes of war, in which the grand total of lives sacrificed amounted approximately to 500,000, and the money loss was \$1,400,000,000.

That many horrible atrocities and mutilations were committed in the Bulgarian campaign, and as were so graphically pictured by Prof. Dutton, I know to be true. But this form of brutality was not confined to the work of one nation, and I believe others were tarred with the same brush. In the Red Cross hospitals,

DISCUSSION

however, the Bulgar and Serb and Turk were treated side by side with equal humanity.

It must always be remembered that in war there stalks an enemy in bivouac and barrack and in the stillness of night which destroys more human life than the combined armament of all forces engaged—a silent enemy whose mortality is from five to twenty times greater than that from battle casualties, but which can be overcome or rendered harmless by careful preparation and sanitary regulation. Even in the Balkan war, cholera and other preventable diseases killed more than shrapnel and dum-dums and human butchers. This enemy is not to be conquered by the abrogation of the human intellect, but by its exercise.

It emphasizes the necessity for the encouragement of education in matters relating to the causes of war, and the responsibility that rests upon us to devise methods for submitting differences to arbitration or The Hague Tribunal. (Applause.)

The CHAIRMAN: We have reached the end of the formal program of the evening and discussion is now open under the five-minute rule.

Professor WILL S. MONROE, Montclair, N. J.: May I offer just a word about the letters to which Professor Dutton has referred? Within one week we have traced the name and address of one of the letters sent to the United States. One man has been located, a Greek living in Milwaukee, Wisconsin. I have no reason to doubt that two others to whom letters were written will be located. So I think, aside from the testimony which the committee has already given the Carnegie Endowment, it can be settled as a fact that those letters were genuine, written by Greeks to three Greeks who live in the United States.

The Conference then adjourned until the following morning.

Third Session

Thursday, May 28, 1914, 9:45 A. M.

The CHAIRMAN: The program this morning is devoted to The Hague Conferences and the work connected therewith. The first paper will be given by EDWARD A. HARRIMAN, Esq., of the New Haven Bar, Lecturer in the Yale Law School.

THE WORK OF THE HAGUE CONFERENCES—PAST AND FUTURE

ADDRESS BY EDWARD A. HARRIMAN, LL.B.

The Hague Conferences, although called "Peace Conferences," dealt with questions of international law relating both to war and to peace. We are not now concerned with the action of those Conferences regarding the laws of war, but only with the action taken to prevent war.

The first Conference adopted a convention for the peaceful adjustment of international differences, which Professor James Brown Scott has called its great and crowning glory. This convention relates to four subjects: The Maintenance of General Peace; Good Offices and Mediation; International Commissions of Inquiry; and International Arbitration. The article regarding the maintenance of general peace imposes a moral duty on the contracting powers to use their best efforts to insure the pacific settlement of international differences. The provisions for good offices and mediation involved, first, an agreement of the powers before an appeal to arms, to have recourse, as far as circumstances allow, to the good offices and mediation of one or more friendly powers; second, the declaration that powers strangers to the dispute should on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the states at variance; and, third, a provision for special mediation by which the states at variance should choose respectively a power to which they entrust the mission of entering into direct communication with the power chosen on the other side. The fortunate results of the extension of the good offices of the United States to Japan and Russia in their recent war undoubtedly were of great assistance in bringing that war to an end. It is to be hoped that the extension of the good offices of Argentina, Brazil and Chile in the dispute between the United States and a Mexican general who, although not recog-

nized as the representatives of the Mexican nation, is held by the United States to the responsibility ordinarily attaching only to foreign governments, may be effective in preventing the development of temporary hostilities into definite war. There is no article in the conventions adopted by The Hague Conference, either in 1899 or 1907, which provides for mediation between one state and a citizen of another state who claims to wield the sovereign power of the latter, and in particular, the conventions are lacking in adequate provision for the elimination of such individual as a condition precedent to mediation between him and the nation which threatens him with war. It is to be hoped that the third Hague Conference will make some definite provision for such a situation.

The first Conference adjudged it useful that powers strangers to the dispute should offer their good offices. The second Conference declared this useful and desirable, showing in this way a distinct progress in the state of feeling regarding such good offices.

The first Conference provided for international commissions of inquiry in disputes of an international nature involving neither honor nor vital interest and arising from a difference of opinion on points of fact. The institution by England and Russia in the Dogger Bank case of such an international commission, and the acceptance by Russia of the award holding it responsible for the damage done by its war vessels to the English fishing fleet, show the usefulness of this provision. The second Conference established fuller provisions regarding the procedure of such commissions. Nothing is more indicative of the belief that such commissions are to become common, than the adoption of this code regulating the procedure in such detail. The first Conference recognized arbitration as the most effective and equitable means of settling disputes which diplomacy has failed to settle in questions of a legal nature, and especially in the interpretation or application of international conventions. To this declaration the second Conference added the obvious corollary that it would be desirable that in disputes about the above-mentioned questions the contracting powers should, if the case arose, have recourse to arbitration in so far as circumstances permit.

The first Conference considered the subject of obligatory arbitration for certain classes of cases, but took no definite action regarding the matter. The establishment of the Permanent Court of Arbitration was thought to be of more importance than any particular provision of obligatory arbitration. Article 19, however, of the Convention for the Pacific Settlement of International Disputes, adopted by the first Conference, was as follows: "Independently of general or private Treaties ex-

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pressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later, new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it." Article 27 of the same convention recognized the duty of the Signatory Powers if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them. The effect of these very mild provisions was to stimulate the movement toward obligatory arbitration by the adoption of various special treaties. At the second Conference the subject of obligatory arbitration received still more attention. Five different projects of general arbitration were presented to the Commission by the United States, Servia, Portugal, Sweden and Brazil. The Anglo-American project for a treaty of compulsory arbitration was favored by a large majority of the Conference. This project contained a reservation of disputes affecting the vital interests, independence or honor of the parties, and disputes affecting the interests of other nations not concerned in the dispute. The requirement of unanimity, of course, prevented the adoption of this project, but a resolution was reported recognizing the principle of obligatory arbitration and declaring that certain differences, and notably those relating to the interpretation and application of provisions of international conventions, are susceptible of being submitted to obligatory arbitration without any restriction. This resolution was unanimously accepted with four abstentions, of which one was the United States. The failure of both Conferences to establish a general convention providing for obligatory arbitration is not the misfortune that it may seem. Some people have a most extraordinary belief in the efficacy of words with reference to law, and are inclined to think that the printing of a statute gives that statute the force of law. International law, more than any other, has to rely upon public opinion for its support, because it has no organized executive power to enforce its rules. There is good reason to believe that the principle of obligatory arbitration has made surer progress through the discussions at The Hague Conferences, which, in bringing out existing differences of opinion, show how and how far such differences may be reconciled, than it would have made by the adoption of any general convention which did not really satisfy all the nations represented. From a practical standpoint, the question whether obligatory arbitration, as a means of preventing war, can be best established by general or by special treaties, is one in regard to which statesmen may well differ. Philosophers are bound to generalize, but there is more force in the German argument for

the establishment of the principle of obligatory arbitration by special treaties, than the supporters of the more logical method of a general convention have always realized. The principle of obligatory arbitration is sound, but its importance may be overestimated on account of the inevitable reservations, because in these reservations lie the real dangers of war. In most cases the subjects which are covered by treaties of obligatory arbitration are cases which would probably be voluntarily arbitrated. France and Germany would probably arbitrate a postal treaty with readiness, but a question like the ownership of Alsace-Lorraine is beyond the scope of arbitration. In fact, it is a curious commentary on our American enthusiasm for arbitration that at a dinner of the American Society for Judicial Settlement of International Disputes, held in Washington over a year ago, a responsible person, Mr. Mann, the Republican leader of the House of Representatives, took the position that the question of the construction of the Hay-Pauncefote treaty with relation to the subject of canal tolls, could not be submitted to arbitration, first, because no impartial tribunal could be found, and second, because that treaty had already received its final construction at the hands of the highest and most impartial tribunal in the world, the Congress of the United States.

The first Conference established the Permanent Court of Arbitration at The Hague. The second Conference undertook to maintain this Court as established by the first Conference, and added various provisions regarding the procedure in this Court, and also added provisions for arbitration by summary procedure through the selection of two arbitrators and an umpire. The second Conference also adopted a convention limiting the employment of force for the recovery of contract debts to cases where the debtor state refused arbitration or failed to submit to the award of the arbitrators. The permanent Court of Arbitration established by the first Conference was not a judicial court. The second Conference, however, established the real international court known as the International Prize Court, and although this Court has jurisdiction only of ships captured in naval war, its existence will be of great value in avoiding the inevitable complications with neutral nations which result from the capture of merchant vessels. It is to be hoped that means may be found to reconcile the procedure in this Court with the constitutional limitations of the power of the United States Government to recognize a foreign jurisdiction.

The great work of the first Conference was the Court of Permanent Arbitration which it established. The greatest work of the second Conference was not what it did, but what it recommended; namely, the establishment of a Judicial Arbitration Court, or Court of Arbitral Justice. The name is unfortunate,

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for the fundamental ideas of arbitration and judicial justice are radically different, and there is no such thing known to jurisprudence as arbitral justice. From a legal standpoint, the administration of justice consists, first, in the determination of the facts in the case; second, in the ascertainment of the rules of law applicable to those facts; and, third, in a judgment applying the law to the facts and fixing the respective obligations of the parties to the proceeding. In so far as private warfare has been suppressed, and its suppression is by no means so universal as is often assumed—witness contemporary Colorado,—progress has been due, in the development of civilization, to the establishment of tribunals having authority and power to hear and determine controversies between individuals in accordance with rules of law established by the sovereign power to which those individuals are subject. For the abolition of public warfare, it is recognized that a court having the same power over the nations which are parties to a controversy that a national court has over the citizens of that nation, is essential. The second Hague Conference annexed to this opinion, expressing the desirability of such a Court, a draft convention relative to the creation of a so-called Judicial Arbitration Court. There are those who maintain that such a Court is useless because its decisions have no sanction, and that it is useless to organize an International Court without an international sheriff to execute its decrees. I am one of those who believe that the international sheriff is the very last thing necessary to such a Court. The practical difficulty lies, not in the matter of the enforcement of the decrees of such a Court, but in the difficulty, first, with reference to the organization and procedure of the Court; second, with reference to the rules of law which it is to administer; and, third, in securing the consent of nations to subject themselves to the jurisdiction of such a Court.

There are many things which a third Hague Conference should consider,—details of the rules of international law affecting nations in war and peace,—but to my mind the great object of the third Hague Conference should be the provision for the actual establishment of a real International Court of Justice, and for the preparation of an authoritative statement of the rules which are to govern that Court in its decisions. The practical difficulties with reference to the organization of such a Court are great, without question, but even greater than the questions regarding the court itself, are the difficulties regarding the law which that Court is to administer. It is to be bound, of course, by the principles of international law, but there is by no means universal agreement as to what those principles are. English and American lawyers have long been willing to leave the decision of cases to judges who have to ascertain the greater por-

tion of existing law, not from codes or statute books, but from the study and comparison of precedents. Such a course of action with reference to questions of international law, is out of the question. In the first place, many of the precedents of international law are very bad indeed. The progress of civilization and humanity has brought about great changes and improvements in the conduct of nations toward each other. Decisions of a Court of Justice should be in accordance with the most enlightened standards of conduct at the present day. It seems improbable that nations in general will commit the decision of their controversies to an international tribunal whose judges are selected from other nations by lot or by rotation, without any definite understanding as to what rules of law are to be binding upon those judges. It is not to be supposed that the third Hague Conference will actually adopt a code of international law on the theory that it is in realty the Parliament of Man representing the Federation of the World. It is of the utmost importance, however, that side by side with the development of the International Court of Justice, should be the provision for the development of a code of international law. Such draft codes have been prepared by various writers, of whom David Dudley Field is perhaps the best known. At the present time an International Commission is at work on the preparation of such a code for the States of this hemisphere. The third Hague Conference should make some provision for a similar international commission to prepare such a code for the nations represented at the Conference. It is not to be thought for a moment that the preparation of such a code means that every article in that code would be adopted by all nations. The effect of such a code would be this: that to each article certain nations would assent by treaty or by legislative act. Whenever a dispute arose with reference to a matter covered by such article, the International Court would know definitely what rule of law it was bound to apply to such dispute. If two nations disagree as to the rule of law itself, there is nothing that the Court can do in such a case unless the parties either agree upon some rule for the decision of that particular case, or else agree that the Court itself shall decide what the rule of law ought to be. Thus, for example, the Monroe doctrine that European nations shall not colonize on this continent, may or may not be accepted as a rule of international law by another nation. Until, therefore, an international court knows whether such doctrine is applicable in a dispute between the United States and another nation, it is not in a position to determine whether the conduct of which the United States complains is to be regarded as wrongful on the part of the other nation.

Those who talk of the abolition of war and the establishment

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of universal peace are sometimes called dreamers, but the most practical of men must feel that the diminution of the number and duration of wars is of the greatest public importance. With the establishment of the Permanent Court of Arbitration, the First Hague Conference took a long step forward. With the declaration in favor of the Court of Arbitral Justice, the second Conference went still further. To perfect the organization of this International Court, and to provide for the establishment of a code which shall render certain the law which that Court is to administer, should be the task of the Third Hague Conference, and it is already past the time that such Conference should be called.

The most important personal suggestion which I have to make in regard to the work of the next Hague Conference is that very much more attention should be paid to economic questions. The struggle for existence under modern conditions takes the form of a struggle for trade. Political conflicts are becoming rarer between nations, but the economic struggle is increasing in fierceness. We are developing the procedure for the peaceful settlement of international disputes with comparative speed, but the law by which such disputes are to be settled is not progressing as rapidly as the changing economic conditions of the world. The Brazilian coffee valorization scheme, the German-American controversy over the potash question, the attempt of our Congress to regulate shipping combinations, and the attempt of Germany to establish a monopoly in the oil business at the expense of American interests already engaged in that business, are instances of the economic questions which are more and more bound to produce international complications. As state legislation has been found insufficient to deal with questions of commercial combination, so national legislation has already proven inadequate for that purpose. Again, with reference to labor, as Mr. J. Scott Duckers has pointed out in an address before the last meeting of the International Law Association, labor legislation is one of the most important spheres for international action. "In this matter of labor legislation," says Mr. Duckers, "we are taken at once beyond any question of mere academic uniformity to an urgent practical need. It is not that international movement would be an interesting and orderly development of international law. It is that unless what appears to be an inevitable development does proceed by international agreement, very serious practical consequences will be felt by those engaged in the severe commercial competition carried on between manufacturers on different lands." These international questions must receive the attention of international jurists with a view to securing some agreement as to the principles which should govern the conduct of nations with reference thereto. This sub-

ject is of special importance to this country because the very chaos and crudity of our popular economic notions with regard to industrial legislation may lead to action by our government which would cause serious international complications. Thus, for example: The present troubles in Brazil are to some extent due to the low price of coffee. The Brazilian Government had a plan for a valorization scheme by which the price of coffee was to be kept high. The United States, as a consumer of coffee, was interested in having the price lowered, and as some of the steps taken for carrying out the Brazilian plan involved action with reference to coffee stored in the United States, our government was able, by threatening proceedings under the Sherman anti-trust law, to force the sale of a large amount of coffee, and to break the price.

I would, therefore, urge on those who are charged with the preparation of the programme of the Third Hague Conference, the importance of providing for the discussion of international agreements regarding the regulation of industrial conditions, including both commercial and labor legislation, with a view to avoiding the very serious causes of controversy between nations which are bound to arise from the present tendency of commercial and industrial conditions. This work will be practically new work for the Conference. Its importance to humanity, however, will be at least as great as the regulation of the laws of war. (Applause.)

The CHAIRMAN: A gentleman who has held so many positions of honor and rendered so many public services that if I were to undertake to detail them I should be in danger of infringing our time limit; whose distinctions increase as time goes on, he having been President of the delegation of the United States at the First Hague Conference, will now address us. It is superfluous to say that I refer to the Honorable ANDREW D. WHITE. (Applause.)

THE THIRD PEACE CONFERENCE AT THE HAGUE

ADDRESS BY HON. ANDREW D. WHITE, LL.D.

Pressing as are various other questions in the interest of peace, there are, evidently, just two which demand our closest attention and best thought here and now.

First of these is the Mexican trouble; it is serious and urgent; but, whatever we may think of earlier measures of our Government regarding it, the calling of the three South American powers to take up the work of mediation was a most happy thing both as regards the present and the future. Whether it shall succeed in this instance or not, it seems a movement of happy

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omen to the future of the world. But it puts us in an expectant attitude: for the present, we must be content to wait.

The second of these two questions relates to the calling of the Third International Conference for Peace at The Hague. The time established by precedent and indeed by the direct action of the Second Conference, for studying and discussing the questions to be taken up in it, has now arrived. Seven years elapsed between the First Conference in 1899 and the preparation for the Second Conference in 1907. The seventh year since the Second Conference is now upon us and we ought not to delay longer; for now comes upon us the question whether at least quasi-septennial sessions shall ripen into precedent or shall become mere matters of whim and chance.

Thus far there is everything to encourage us. At the close of the First Conference there were many expressions of disappointment at its result. It had been summoned by the Russian Czar to limit the ever-increasing armaments of the world, and almost the first thing done by the Committee appointed to discuss that subject was to declare, by a virtually unanimous vote, that this was, at least for that time, impossible; perhaps the most powerful speech during the whole course of the Conference was made by a Prussian General to show that such a limitation was not only impossible but undesirable.

There was also at the outset an evident feeling of discouragement among the delegates. Perhaps no assemblage of the kind was ever begun with fainter hopes of success. The calls under which the body was brought together, though eloquent in parts, were by no means fully thought out or adequately expressed. They said little if anything regarding arbitration, and they seemed to hint at some sort of repression of the inventive powers of mankind as exercised on weapons and equipment of war. Probably no great representative assembly could have ever been brought together with less faith in the work proposed or less hope for any useful result.

A curious evidence of this was seen in the fact that one of the most eminent Ambassadors present—one who afterward took an especially prominent part in all the deliberations—openly bewailed his fate in being called to take any part whatever in the matter. He considered it as the closing scene of his very long and creditable career and lamented that this culminating duty assigned him could not end in any result, useful or honorable. Nor was this eminent gentleman alone in these forebodings. The tone of informal discussion in the committee rooms and in social gatherings was, at first, wretchedly pessimistic, and this was generally so in the utterances of the older and more experienced members.

But there is an old French proverb to the effect that "Eating

brings appetite," and this was soon found to apply in this case. Hardly had the first hours of the first day of serious work passed than a more hopeful spirit dawned upon us. Such men as De Nigra, who against fearful odds had fought out the battle of Italian Unity at the Court of Napoleon III, Sir Julian Pauncefote, who had struggled long and well for better Anglo-American relations at Washington, De Martens, who had brought his brilliant gifts to bear in improving the diplomatic relations of Russia with rival powers in Europe and Asia, and various other strong men became evidently interested in the problems presented and soon the outlook had evidently improved. Worthy ambition to do good work had begun to take the place of cynicism.

There were not wanting, it is true, some eminent members whose utterances remained from first to last hopelessly pessimistic. One, especially—the representative of one of the greatest nations of the earth—was loud and long in insisting that the whole conference was the result of a determined intrigue to undermine the peace of Europe. He insisted, publicly and privately, in his walks and talks and in social intercourse, that the whole plan, both of limiting armaments and of promoting arbitration, was an invention of doctrinaires and professors,—as an old patrician he hated professors,—and on one occasion he convulsed a great public dinner by exclaiming loudly—"Arbitration is a humbug—it is simply an invention of professors,—just like bacteria."

But ere long the really forceful members were working together with a good courage; the pessimists were left behind and the results achieved are now matters of history.

So, too, are the results of the Second Conference held in 1907 now before you, and each of these two great assemblies, both in what it accomplished and what is left unfinished, encourages us to call for a Third Conference.

Let me for a few moments indicate, in a general way, some of the main questions which were dealt with in those two former Conferences, and their bearing on what we may now hope to initiate and obtain by a Third Conference.

First and foremost, as to arbitration, I am glad to inform you that the United States took a leading and effective part in both Conferences. The American delegation was the only one which appeared at the First Conference with a plan, coherent and comprehensive. In various minor features it was modified, but its main purpose was steadily kept in view and in spite of great discouragements, was given effective shape, largely, by the hearty co-operation of Great Britain, France, Italy, Austria-Hungary, Russia, and finally of Germany. The Court thus agreed upon was to be chosen by the various powers and was to consist of judges who were, so to speak, to be held in reserve in each

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country until, in some given case, the nations wishing arbitration should select a suitable number of them and these should then appear at The Hague to sit as a court and to hear arguments presented to them.

This arrangement has sometimes been criticised,—and mainly because it does not give the world the spectacle of a Court of Arbitral Justice in permanent session, day in and day out, year in and year out.

The argument that prevented the establishment of such a court in permanent session, highly desirable as all confess it to be, was very plain and practical. It took shape in the private discussions of experienced members of the Conference much as follows:

“Such a court in permanent session must be composed of a large number of the most eminent jurists from all parts of the world; they must give up the comforts and satisfactions of life in their own countries; must remove their families from cherished homes and friends; must forget the ambitions of their previous lives; must forego the usual rewards and emoluments of great lawyers, and they must consequently be given very high salaries and pensions. There will be comparatively few cases brought before them at first and they will probably sit year in and year out, always with little, and often with nothing, to do. Drawing high salaries, they will be in danger of becoming objects of unfavorable comment in the various legislative bodies of the world, and especially each year when their salaries or pensions must be provided for in the various national budgets. Under such circumstances partisan orators and newspaper writers and even caricaturists and perhaps novelists will not be slow to make the court an object of ridicule; its members will be referred to as ‘eating their heads off’ and the probable result will be that appropriations for their maintenance will be gradually omitted here and there until at last the whole court may disappear in a cloud of derision.”

Such was the general line of off-hand argument, heard more in private than in public, which led the First Conference to create a court composed of judges selected by the different governments but remaining at home,—in their own countries,—without salary until the services of a certain number of them should be required for work at The Hague.

I do not mean to say that such estimates of the dangers threatening a tribunal at The Hague in constant session were in themselves, convincing to the delegates—probably each of them could easily make a calculation showing that any modern battleship, even when lying idle, would cost more in a month than the whole international court in constant session would cost in a year—but the prevailing opinion became that it would

be best to propose a tribunal such as I have sketched to you, at least as a beginning.

Fault has been found with it as not likely to be so easily and promptly assembled as a court in permanent session would be, and as not likely to create so consistent and valuable and ever increasing an addition to international law. These arguments are valid and will, it is to be hoped, lead to an additional tribunal to sit permanently. But that plan given to the world by the First Conference had certainly one merit which the excellent plan presented by the Second Conference had not; namely, this—*it was adopted*—the Court was established and it has ever since been found to work and to work well. (Applause.)

The First Conference also provided what may be called an "Executive Committee" to prepare and smooth the way for the Court, and to care for it whenever it should assemble. This Committee is composed of all the diplomatic representatives of the various nations residing at The Hague and of this body the Netherlands Minister of Foreign Affairs is *ex-officio* President.

In addition to the establishing of this Court the First Conference proposed and adopted a plan for what are called "Commissions of Enquiry." This plan, too, has proved practical: a modification of it at the time of the Dogger Bank catastrophe served a most noble purpose. You may recall the circumstances:—the Commander of a Russian Squadron on its way from the Baltic to the Japanese seas, passing through fishing grounds off the English coast, imagined that the movements of the fishing vessels betokened an onslaught by Japanese vessels of war, and the result was that these Russian vessels fired upon those English fishermen with fearful havoc. This was followed by a very natural outburst of wrath throughout Great Britain. There were, of course, sensation mongers who developed the theory and spread the report that it was all a massacre deliberately planned by Russia against England, and bitterness increased until there came passionate appeals for war. Fortunately it was suggested that a committee of enquiry like that proposed at the First Hague Conference should be tried. This was done and the Committee deliberately and quietly conducted a thorough examination with the result that passion was given time to cool and it was found that, beyond a doubt, the calamity was the result of mistake and panic. All the proper acknowledgments were made and full indemnities paid by Russia, repairing the losses as far as was humanly possible.

While we support our present Administration at Washington in its effort at mediation now going on, one can not but think that if a commission of enquiry, in accordance with the proposal of the First Hague Conference, had taken up and reported the result of an examination of the offences which brought on

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the present difficulty between our own country and Mexico, the whole difficulty now so portentous might long since have been ended.

The First Conference, on the proposal of Mr. Holls, of the American delegation, also adopted a system which was known as the appointing of "Seconding Powers," and this, in a modified form, did good service in shortening the war between our own country and Spain,—undoubtedly diminishing the expenditure of life and treasure in that contest. The First Conference also improved the laws and customs of war and it also took up that great question which has been so near the heart of leading American statesmen from the days of Washington, Franklin and Jefferson,—the question of the immunity of private property not contraband of war from seizure on the high seas: full discussion was given it and, though it could not be carried through at that time, it was made obligatory upon the Second Conference to take it up and advance it still further.

The Second Conference developed admirably the whole work of the First Conference and added new achievements of great value. First and foremost in importance was its effort for an International Court of Appeals in Prize cases. For generations this had been most earnestly desired. A plan was most carefully and wisely elaborated and, though it failed finally of passage, there is every reason to hope that a Third Conference can now take it up and pass it.

The attempt was also made by the Second Conference, as already stated, to develop a Court of Arbitration to be constantly in session at The Hague, and, though it failed finally, its failure was due mainly to sundry subordinate considerations which it may well be hoped that a future Conference will remove.

The Second Conference also rendered another great service; it erected a barrier against such efforts of schemers and speculators to drag nations into wars for financial purposes which, in days not far removed from our own time, have disgraced humanity.

The Second Conference also went on with improvements in the customs and laws of war which had begun at the First Conference, and reached most happy results—preventing, unquestionably, very much human suffering and misery.

It also sought to make improvements in dealing with torpedoes and flying machines for war purposes, and, though only an insufficient agreement was then obtained, a beginning was made which a Third Conference ought to continue with definite and indeed blessed results.

In all this history of the first two Conferences there is everything to encourage us. It has been well said that they accomplished for the welfare of mankind, as regards the humanizing and prevention of war, more than had been previously achieved

during the two hundred and fifty years which had elapsed since Grotius made his great proposal for arbitration.

The question now comes what subjects should be especially studied with reference to action in a Third Hague Conference. First of these may be named the limitation of armaments both by land and sea. I am aware that this question is especially difficult,—more intricate indeed than any other. Still it is not too much to hope that the human mind may yet attack it with some measure of success. Mathematical powers like those of Newton and Kelvin and La Place and Leverrier and Gauss and our own Gibbs might well be employed upon such a problem. Human genius analogous to what this would require was displayed in the plans and inspirations of Napoleon and Moltke; indeed the sort of grasp and calculation required in balancing armaments and the probabilities and possibilities of their employment between rival powers seems to be already exercised to some degree in the German *Kriegspiel*—that great military game which has applied scientific calculations of chance to the operations of war, not only in Germany, but in sundry other countries.

With new hopes also could now be taken up the question of an arbitration tribunal in permanent session, and of an international prize court. The two Conferences which have already been held have prepared the way for new successes in these fields which it may well be hoped the next Conference will promote or achieve.

The question of immunity of private property, not contraband, from seizure at sea may also now be presented with better hopes of success. Germany and various other nations are favorable to it. France is only prevented from resuming its ancient support of it by temporary considerations which, it may be hoped, will soon pass away. Italy has furnished most earnest supporters of it and even Great Britain, which has always been its opponent, is showing hopeful signs of a change of heart: perhaps the best argument ever made for this great measure is to be found in the recent work of one of the most attractive English writers on International Law—Mr. T. J. Lawrence.

Yet more immediately pressing among questions now upon us, which it would seem almost criminal to neglect, are those that relate to the use of torpedos in blockading hostile ports and coasts. To various neutral powers the questions of drifting torpedos may at any moment become a matter of life and death, for it involves nothing less than the question whether quarrelling nations may be allowed to scatter and neglect torpedoes in such manner as to endanger the peaceful fleets or merchant ships which cover the seas, and, among them, great ocean liners, with their crowds of peaceful passengers.

Most pressing of all are now coming upon us, as never before,

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the proper limitations in the use of flying machines for warlike purposes. Shall they be allowed simply to ascertain the positions and movements of armies, or shall they have liberty to drop magazines of high explosives upon camps, warships and fortresses,—or indeed shall they be allowed to blot out of existence unfortified cities and villages and the greatest triumphs of modern science and art? At present the only barrier that exists between the most frightful use of explosives and modern civilization is a mere temporary arrangement with no really effective provisions for its enforcement. Already the newspapers inform us that in the war going on in Mexico the dropping of explosives of high power, without limit, has already come into use,—and with fatal results.

These are among the questions which our Government ought to be studying: and to their study ought to be summoned the most expert physicists and the most profound jurists. There is no more noble and more pressing employment for such men than this, at this present time, and my hope is that a voice will go forth from this conference and from various organizations and assemblages, in the interest of peace, throughout this and other civilized countries, which will stir the powers of the world to do their duty in this emergency:

Thanks to a public spirited American, the International Temple of Peace stands to-day open and ready at The Hague for a meeting of the Third Conference. The International Committee to take charge of all preliminary arrangements is, as you have seen, already provided. Let it be our duty, by all means in our power, to influence public opinion in our own country and, if possible, in other countries to follow the precedent already established by calling a Third meeting of The Hague Conference and by promoting worthy and efficient preparation for it. (Applause.)

The CHAIRMAN: The next speaker is Professor ELLERY C. STOWELL, Professor of International Law in Columbia University, who was Secretary Adjoint of the Second Hague Conference and also Secretary of the American delegation of the London Naval Conference.

THE LONDON NAVAL CONFERENCE IN ITS EFFECT ON THE THIRD HAGUE CONFERENCE

ADDRESS BY ELLERY C. STOWELL, LL.D.

Those of you who attended the Lake Mohonk Conference in 1909 had the pleasure of hearing the first delegate, Admiral Stockton, tell about the achievements of the London Naval Conference. You also have with you the other delegate, Professor Wilson, so you may learn much about that Conference. I can-

not, in the short time at my disposal, say much about its great work, but you may be glad to hear a word of the events leading up to it.

Up to the meeting of the First Hague Conference, Great Britain, the most powerful nation on the sea, like most powerful individuals and nations, was anxious to prevent codification and regulation in any way hampering the liberty of her action. However, in the case of the League of the Armed Neutrality during the War of Independence she had to submit to the dictation of a combination of powers. After the Crimean War, to secure the abolition of privateering, she consented to three or four regulations in regard to blockade, contraband, etc. With these exceptions Great Britain opposed in every way regulations of the law of war at sea. She came to the First Hague Conference with the express understanding that all such matters should be left out of the program. When the delegates attempted to secure the adoption of a provision making for the protection of the landing points of submarine cables, she objected and said it entered into the matter of naval warfare and she was not willing to have this question treated. So the First Hague Conference met and did its great work, and after a period of some years the Second Hague Conference met.

At that Second Hague Conference occurred one of the most dramatic incidents of history, it seems to me. In the second plenary meeting the first German delegate, that masterful personality, Baron Marshall von Biberstein, proposed the establishment of an international prize court. This came as a great surprise and delight to those interested in seeing the establishment of orderly means of settling international questions. After the proposal, the first delegate of Great Britain, Sir Edward Fry, a venerable man of eighty, white-haired, dressed in the style with which we are familiar in the pictures of Gladstone, got up, and with trembling hand and quavering voice read in French that was very British, yet possible to understand, a proposition of the British delegation to establish an international prize court. While he was reading, Baron Marshall von Biberstein arose and stepped over to catch the quavering accents of Sir Edward Fry. Putting his hand to his ear to miss no word, he stood there, and the whole Conference had before it these two personalities, these two great men, representative of two great nations. Later Marshall von Biberstein came to England with the great purpose of settling difficulties between those two countries; and although he died before his task was accomplished, others succeeded in it.

After these two propositions had been laid before the Conference the greatest jurist in Europe, Louis Renault, was called upon. He took the two together and made what was called a

questionnaire. This asked various questions to see what the delegates thought would be the best way to combine the two plans. The two proposing delegations worked together. Renault and Herr Kriege of the German delegation, the man most familiar with questions of international law in the German Foreign office, co-operated with the English delegate, Eyre Crowe, a young man, tall and keen, one of the greatest authorities on international law in the world, who, under the system they have in England, hides himself behind greater names and does the work which others present and receive credit for. At The Hague, however, every one realized that those three men working together drew up that marvelous plan of an international prize court. They received the cordial support of the delegation from the United States. Thus four great countries presented the final plan to the Conference, and it was adopted. That is perhaps the greatest achievement of the Second Conference. In the meantime, the Fourth Commission of the Second Conference—for the work of the Conference was divided into commissions—took up the questions of naval warfare included in the formal program. You remember, Great Britain had refused to allow them to be considered at the First Hague Conference. Why this great change in Great Britain's attitude? Why this desire of Germany to have a prize court? Why this willingness of Great Britain and Germany to co-operate in the Fourth Commission in attempting to reach an agreement in the codification in the laws of war? The reason was the war between Russia and Japan. Although in a far removed part of the world as regards Germany and Great Britain, the rates of insurance went very high and caused great havoc, and neutrals felt they must do something to protect their seaborne commerce in view of the interference which resulted when there was war. So the vivid fear for their neutral interests overbore the reluctance to a codification which might hamper their freedom as belligerents. It brought powerful maritime rivals to this co-operation at this great Second Hague Conference. But in spite of this good will, the Conference labored day in and day out on the program of this Fourth Commission and could reach no result. Why, when this question was so important and the parties so willing, did they reach no result? Because they had very fundamental differences of opinion. They followed and advocated two different systems of international law which could not very well in that short time, with the natural suspicious attitude between the delegates, be formed into one complete whole. The Conference reluctantly broke up without having done this great work; but it did do one thing. It voted by a large majority to abolish seizure of private property at sea, but that was only a vote, because all the work of the Conference has to be by unanimous consent, at

least in theory. Then the Conference went its way. They had signed the convention for the establishment of a prize court, but when Great Britain thought it over, she felt doubtful whether she ought to ratify this convention. The prize court when established would have to interpret and hence to form the law, where there was no law agreed upon. When it came to a question upon which there was a divergence of practice, this court would have to combine the two existing systems and make its own interpretation of what the law was.

Great Britain was not willing that the court should have such vast and undefined powers, and she called a conference of the principal maritime powers. Instead of calling all the forty-six powers, she called only those that were particularly interested in naval questions. Ten powers were invited to meet at the London Naval Conference. They met in December, 1908, discussed these questions, and finally agreed upon certain provisions in regard to the regulations of naval warfare. Those provisions related to contraband, to the destruction of neutral prizes, to blockade, etc. Great Britain was well situated for calling this conference. She is the most powerful nation at sea and she was on very friendly terms with France. The French delegates played a great rôle at that conference and did much to draw up the different conventions. Also, French being the language in which the questions were discussed and the conventions drawn made them most useful. The relations between France and Russia made France a go-between, and also the relations between Great Britain and Russia had much improved by that time. Then there was the alliance with Japan and the traditional friendship between Great Britain and our own country, all making for harmony. Holland was invited, and as Holland owes her political independence to Great Britain, she was willing to receive suggestions from her friend and protectress. Spain was invited, from the survival of her ancient prestige as a great naval country; there was also a suspicion that she was invited because of the royal marriage between the two countries. Argentina, Brazil and Chile were not invited. Germany, Austria-Hungary and Italy formed the triple alliance. They acted together in the main throughout the conference. The German delegation very often expressed the will of the three. The London Declaration is now before the countries for ratification.

If the Third Hague Conference is called before this Declaration is ratified, what will be the result? Many fear that those powers which were not invited will resent this calling of a little private conference of ten powers. They will say that it was a great international question which should have been solved at The Hague with all the forty-six powers represented. At these larger conferences the delegates are fond of making speeches.

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They want to maintain their points and show off their wonderful personalities. The London Naval Conference was composed of the greatest experts, and the newspapers paid no attention to it. In fact people, outside of a few naval experts, hardly knew it was going on. It was not talked about. The first thing the world knew, the splendid results were sprung upon them as a complete whole. If the Third Hague Conference is called before the ratification of these conventions, many fear that that work will be lost. There is danger of it. But even with that danger I feel it is more important to call The Hague Conference and to reach some agreement on the questions which were left unsettled at the London Naval Conference, such as the strewing of naval mines on the seas and immunity of private property, etc. Also the principle of the holding of the periodical meetings of this Conference is almost as important as anything that has been debated in any of them. I think this meeting should come as nearly at its appointed time as possible. I feel that those powers that have learned to work together so effectively in London will work equally effectively at the Third Hague Conference and probably many of the same delegates will be there who were at the London Naval Conference. I have not had time to take up the various questions that might be taken up there; but I think we must decide the questions I have mentioned and many others, and I am convinced the conference should be called as soon as possible. (Applause.)

The CHAIRMAN: I have the privilege of presenting to you the Honorable HENRY B. F. MACFARLAND, of the District of Columbia Bar, former President of the Board of Commissioners of the District of Columbia.

THE INTERNATIONAL COURT OF ARBITRAL JUSTICE

ADDRESS BY HON. HENRY B. F. MACFARLAND

The monument of the Hague Conference of 1899 is its provision for an International Arbitration Tribunal. The monument of the Hague Conference of 1907 is its project for a Supreme Court of the World under the misnomer "International Court of Arbitral Justice." Before the next Hague Conference meets (probably in 1916) that court ought to be set up and at work in the Peace Palace at The Hague, which will then become the International Palace of Justice. Nothing is lacking except the all-important agreement on the composition of the court. As it could not have forty-four members and as the delegates of the smaller powers at The Hague in 1907 would not surrender their equality by agreeing to a smaller court in which they

would be represented only indirectly, the determination of the number of judges and the manner of their selection was left to diplomatic negotiations. All the great powers, including the United States and Japan, have since approved the project and have agreed in principle that the court might be started with judges representing a number, but not necessarily all, of the States. Presumably, all of the powers not at first participating would come in after the court had won the confidence of the world by its wise and just judgments. Circumstances have delayed actual agreement upon details.

It is possible to state positively, although it is not possible at this time to give my authority: First, that recently a proposition has been made to start the court with nine members, one chosen by each of the great powers,—the United States, Great Britain, France, Germany, Austria-Hungary, Italy, Russia and Japan,—and one by The Netherlands, the host of The Hague Conference and the selected host of the court itself; second, that this proposition promises to be favorably viewed by the nine governments to which it will be communicated. (Applause.) Naturally since our own government took the initiative in this matter as far back as the First Hague Conference, we may assume that it would cordially join in such establishment of the Supreme Court of the World. Everything will then turn upon the character of the first judges and their first judgments. If, as our own Supreme Court under Marshall won the confidence of the sovereign states of the Union, it shall command the respect and regard of the sovereign states of the world, we shall at last have an international court through which justice shall bring peace by judicial settlement of international disputes.

Arbitration has renowned victories to its credit. But while arbitration, in international as well as in municipal law, will always be useful, it is a diplomatic and not a judicial settlement. The more excellent way is that adopted by The Hague Conference of 1907. That would give judicial decisions by a real court making binding precedents and so real international law under the sanction of the regnant public opinion of the world.

Self-redress or war, arbitration or compromise, judicial settlement or courts of justice—this has been the process in the development of methods of settling disputes within nations. It is very clearly seen in the history of Rome. Another clear picture of it is the history of Switzerland. But it appears more or less clearly in the history of every civilized country. In the United States, as between states beginning with the colonial period and especially in New England, it can be traced easily. Under the Confederation its arbitration phase stands out, and under the Constitution it reaches its fruition in the Supreme Court of the United States.

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In the states and territories, as between individuals, we see the same process and we also see all three methods as between nations to this day still in use. Although reason and ridicule have made the duel impossible in the United States we still have feuds in the mountains and vendettas in certain quarters of our cities. Moreover some of the higher placed, if not the most highly civilized, men and women in most highly favored parts of our country, now and then take the law into their own hands, as we say. On an average there is every week such a case in the newspapers. We also have under the municipal law almost everywhere provision for arbitration although it is seldom utilized. The fact that it is so little used indicates that the latest method, judicial settlement, has won its way to favor. In spite of all the just and unjust criticism of our courts, the great majority of those who cannot settle their disputes by negotiations or conciliation prefer judicial settlement to settlement by compromise or arbitration, with its inevitable bargaining and diplomacy.

Moreover, to a greater extent than was true when either arbitration or self-redress was practically the only method of settlement, the very presence of the court of justice helps men to settle their disputes themselves, if for no other reason, to avoid the cost in time, money and effort demanded by court proceedings.

What is true of individuals in this regard is even more true of the states of the Union. It is now unthinkable that New York should war with Connecticut or Massachusetts with Rhode Island. We are so accustomed to the settlement of disputes between states, with the entire acquiescence of the states themselves, by decision of the Supreme Court of the United States, that we can not readily think of a time when armed forces of these states were prepared for battle against one another. It now seems as incredible that a state should face another in arms as it does that the Chief Justice of the Supreme Court of the United States should resign as Jay and Ellsworth did simply for the reason that they thought they could be more useful in their own states than at the head of a court of doubtful powers and position. Jay's letter declining reappointment as Chief Justice of the United States for the same reason that he had resigned the office, that fortunate declination which made possible the appointment of John Marshall, the greatest of our judges and one of the greatest judges in the history of the world, suggests the reason why these things would now seem incredible. It suggests that reason by intimating the then lack of confidence in the Supreme Court as a co-ordinate branch of the government; yet there ensued the gradual rise of that court to the foremost place in the respect and regard of the intelligent people

of the United States and of the courts and lawyers of intelligence throughout the world.

The analogy between our Supreme Court sitting as an interstate tribunal, settling controversies between states which, if they were independent nations, might lead to war, and applying federal law, state law, including the civil law of Louisiana, as well as the common law of the other states, and international law, gives the analogy of what the Supreme Court of the World may be. Our forty-eight states are as the late Justice Brown of the Supreme Court said, "a congeries of independent and autonomous states with full rights of sovereignty except so far as each has delegated to the general government certain powers essential to a unified existence." The forty-four nations represented at the last Hague Conference are "independent and autonomous states with full rights of sovereignty" which may by agreement place themselves under the jurisdiction of a Supreme Court sitting as an international tribunal and applying whatever law the instant case may demand, including the precedents which it shall gradually establish.

As Governor Simeon E. Baldwin has said, "To declare war is never regarded in our times as a sovereign right unless it be for the purpose of redressing some wrong. It is a mere means of obtaining justice. Looking at law as divided between what is substantive and what is remedial or adjective, war belongs to the adjective part. It is a mode of remedy. Courts of justice find their place in the same category."

No civilized nation any longer avows self-redress by war as the *best* means of settling disputes. Within a century rulers of some nations would have made such an avowal. It marks the progress that it seems to us commonplace to say not one of them will do it now.

During the century the leading nations have followed the example of the United States and Great Britain in the Jay treaty and adopted arbitration as the preferable means of settlement. Two hundred and fifty successful arbitrations, whose results in every case were accepted by the parties at issue, attest the value of this method and the encouraging development of that "public conscience" of the world mentioned, for the first time by an official world Congress, by The Hague Conference of 1907.

The advocates of an international supreme court do not need to protest their devotion to arbitration. Without exception they have labored as zealously and effectively for one as for the other remedy and they believe arbitration will continue to be useful even when an international supreme court has been established. They simply regard the judicial settlement as the better method.

It is hardly necessary to remind this audience that an interna-

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tional court and not an international arbitration tribunal was what the United States sought at The Hague Conference of 1899. It then instructed its delegates to endeavor to "concentrate the attention of the world upon a definite plan for the promotion of international justice by the establishment of an international court." They were instructed by the President "to advocate a treaty setting up an international tribunal" . . . "of a permanent character" which should "be composed of judges chosen on account of their personal integrity and learning in international law." These judges were to comprise one from each power, named by a majority of the members of its highest court.

Governor Baldwin, commenting on this, the first official proposition for the establishment of an international court has remarked:

"Such a body as was thus proposed by the United States . . . would have been something much greater than a tribunal of arbitration. It would have proceeded upon certain principles of justice previously recognized by the constituent powers and rules of international law which courts throughout the world are accustomed to enforce within the limits of their jurisdiction." But he truly added: "The First Hague Conference was not ready for so great a step. It was perhaps not large enough to warrant it. Confined to the powers represented at the court of St. Petersburg, it could at most assume to speak for but half the world. The Second Hague Conference, being open to all nations and attended by almost all, spoke with a broader authority. It contained in its membership representatives of substantially all those who would or might be parties to proceedings before an international court."

It was therefore only an arbitration tribunal which could be obtained at the First Hague Conference while at the Second Hague Conference it was possible to obtain the adoption of the plan of the United States for an international court in which it was supported by Great Britain and other nations. The instructions given our delegates by President Roosevelt, drawn by Secretary Root, emphasized the wisdom of taking the next step in the advancing process of settling disputes of nations without war, and these delegates made accordingly the adoption of the United States project their chief business at The Hague. They were able to say in their official report to Secretary Root:

"It is evident that the foundations of a permanent court have been broadly and firmly laid; that the organization, jurisdiction and procedure have been drafted and recommended in the form of a code which the Powers, or any number of them, may accept, and by agreeing upon the appointment of judges, call into being a court at once permanent and international. A little time, a little patience, and the great work is accomplished."

The organic act for an international court drawn by The Hague Conference of 1907 provided for real jurists, who are to decide cases by judicial methods under the sense of judicial responsibility and inevitably to make law by their decisions, which shall be binding precedents and a permanent contribution to international law of an entirely new and authoritative character. Each arbitration is isolated. Its decision is not a binding precedent. Moreover arbitration implies negotiation and diplomacy, bargaining and compromise, not a clear cut decision in favor of one or the other of the litigants.

In the project of 1907 great care was taken to insure continuity in the judges and their decisions while the project of 1899 provided only for an arrangement for the selection of referees for each particular case, never consisting of the same persons in succession.

There is this difference between an international court and a national tribunal, that the former cannot automatically take jurisdiction of a controversy submitted to it by one party. Provision would have to be made by treaties for the submission of cases to the court on defined issues and by action of both litigants. This can be done by general treaty creating a general obligation to resort to the court in certain classes of cases and by special agreement upon submitting a particular case to determine the issue and formulate the principle of law to be applied if that should be desired as in the case of the three rules of Washington for the determination of the Alabama claims. The treaties might provide for the ascertainment of material facts if they are the chief matter of dispute, for the application of the rules of international law in general or as agreed upon to the facts thus ascertained or to facts stipulated by the litigants, or for the application of the rules of international law on assumed facts to be otherwise determined or the construction of treaties in dispute.

The powers which are most active in setting up the court will be in honor bound to bring whatever cases are available to it as quickly as practicable; if necessary, taking a case out of dusty files for that purpose as the United States and Mexico took the Pious Fund case out of pigeon holes to The Hague Tribunal in order to begin its operation.

We who know the changed state of mind of civilized mankind and who realize the quickness of intercommunication especially due to telegraph, telephone and the press are not disturbed by the repeated question now applied to the proposed international court as it was to the arbitration tribunal, "Where is your sanction?" or "How will it execute the court's decrees?" Mr. Root answered it for us in his admirable manner in his president's address of 1908 before the American Society of Interna-

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tional Law, when he said it was public opinion which gives the real sanction to international law and that the most advanced nations, which were also the most powerful, well understood "that the laws established by civilization for the guidance of national conduct cannot be ignored with impunity," and again, "A careful consideration of this question seems to lead to the conclusion that the difference between municipal and international law, in respect of the existence of forces compelling obedience, is more apparent than real, and that there are sanctions for the enforcement of international law no less real and established than those which secure obedience to municipal law."

In his noble address to us of the American Bar Association at the notable meeting in Montreal last September, Lord Chancellor Haldane strikingly reminded us that while courts may deal with exceptional individuals and exceptional cases we are all really governed by the *sittlichkeit*, the common thought of the family, the community, the state, the family of nations, as to what is right and proper, which is enforced by the common tacit agreement that it must be obeyed. It is this very *sittlichkeit* that compels resort to court and obedience to its decisions rather than resort to self-redress by duel or violence when discussion and negotiations have failed. But we must have courts for exceptional cases. We must have a permanent judicial court to settle disputes between nations just as we have permanent national courts to settle disputes between states and individuals. (Applause.)

The CHAIRMAN: The papers of the morning are now open to discussion under the five-minute rule.

RATIFICATION OF THE HAGUE CONVENTIONS

REMARKS BY PROFESSOR ERNST RICHARD

The papers of the morning have been full of suggestions, and what we have heard is very hopeful. We have heard that there are certain very good things which the next Hague Conference is bound to bring about if it acts together. But there are many influential people in some nations who, for the very reason why we rejoice that the Third Hague Conference will do such things, try their best to prevent the Conference. I don't say that there are nations that do not want the Conference; but there are in the nations people who may be influential enough to delay it. They are not influential enough to prevent it for all time. But they are looking for excuses, for obstructions, and one excuse is that there is really no sense in calling a Third Hague Conference before the participants of the Second Conference have ratified the conventions to which their delegates at The Hague agreed.

DISCUSSION

I do not refer to the Declaration of London because it was not a Hague convention. Many things to which the Second Hague Conference agreed, have not been ratified by a number of nations, some South American, some European. Some have since indulged in war. And there are those who claim that some of them, for instance Italy, did not ratify the conventions because at that time they had already their guns loaded for a war and they did not want to tie themselves down. Under the five-minute rule I can only finish by suggesting that this Conference call on the public opinion of the world to make itself felt that those nations do their duty as quickly as possible and ratify those conventions. I have not time to explain how I think we can influence them. I therefore submit this resolution:

RESOLVED; That the Committee on Resolutions consider the advisability of including in the final resolutions of this Conference, a recommendation of measures or an expression of opinion which might help to accelerate the ratifying of the conventions of the second Hague Conference by those powers that have not already done so, although they were parties to that Conference. (Applause.)

The CHAIRMAN: The resolution will be referred, under the standing rule, to the Executive Committee.

THE COURTS AT THE HAGUE—PRESENT AND PROPOSED

REMARKS BY MR. WILLIAM C. DENNIS

I would like to say a word in connection with a suggestion which, as I understand it, has been made in several of the very excellent papers which we have heard; namely, that arbitration is not in legal theory a judicial process. Now, of course, I understand that in practice the great defect of arbitration has been and is, and probably always will be, a tendency on the part of the arbitrators to compromise instead of rendering a decision strictly according to the law and facts. As Gallatin, our representative in the Northeastern Boundary Arbitration, said nearly one hundred years ago, "An arbitrator, whether he be king or farmer, rarely decides on strict principle of law. He has always a bias to try if possible to split the difference." But this, I submit, is a practical difficulty which does not in any wise affect the legal nature of arbitration, as a matter of theory.

It is submitted that arbitration, as it is understood in international law, and particularly under The Hague Conventions, is, in legal theory, a judicial remedy. The decision of The Hague Tribunal in the Orinoco Steamship Case appears to have an important bearing on this point. It will be remembered that in that case The Hague Court had before it the question of the revision of an award of the umpire of the American-Venezuelan

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Mixed Commission of 1903. It was the contention of the Venezuelan agent, before The Hague Tribunal, that the umpire of the 1903 Commission, by the terms of the protocol under which he was sitting—which provided for a decision in accordance with “absolute equity”—had the right to decide the cases coming before him exactly as he saw fit, and with no restrictions except the duty to act conscientiously. It was contended that he was bound by no rules, and therefore could not have been guilty of a departure from the terms of submission. The Hague Court, however, held that he *was* bound by the terms of submission; that he had violated these terms; and that his decision should therefore be set aside as regards certain points as to which such violations were found.

And so, in short, it is submitted that the element of compromise in arbitral decisions in the past has been due not so much to considerations of legal theory, as to the practical limitations of human nature. And when we come to consider the matter of setting up a new court of arbitral justice, it seems to me that we should not expect any complete and sudden transformation in the character of the decisions which will be rendered by the new tribunal. Doubtless the setting up of the new tribunal will emphasize the judicial character which it is desired that the decisions of the new tribunal should have. Doubtless the provisions and specifications looking toward a truly judicial court will have their effect. But it seems to me that we must not expect any sudden and complete change in the character of the decisions to be rendered by the proposed court, from those which have been rendered by The Hague Tribunal. We should bear in mind that if the new tribunal were to be established to-morrow, the judges of that tribunal would be in large measure the same men who have sat upon the various Hague tribunals in the past. And that means that they would be good men, often great men. But it is too much to expect that they would suddenly be translated by their new environment so that their decisions would take on a wholly judicial aspect. This, it is submitted, can only come about gradually.

It seems to me that we ought to bear this in mind in working for the new tribunal, and while we strive for the new judicial court as the ideal to be ultimately attained, we should strive with the understanding that this ideal cannot be suddenly realized. We should remember that if the new court is set up prematurely and without due consideration, we might easily lose instead of gain by the premature abandonment of the advantages of the present system. For it should be remembered that while there has undoubtedly been a considerable element of compromise in a number of the decisions of The Hague Tribunal, nevertheless the present system not only had the virtue of being adopted, as

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Dr. White said ; but it has the virtue of working reasonably well in practice, and giving an approximation of justice. And while we can look forward to the new tribunal with the expectation that if its establishment is characterized with equal prudence and wisdom with that of the present Hague tribunal, it will result in a closer approximation to international justice, still we must not underrate what has been done in the past, or anticipate an altogether sudden transformation in the future, no matter what system may be adopted. (Applause.)

The CHAIRMAN : Mr. Dennis used only four of his five minutes, and in fifteen seconds of the remaining minute I will say that the decision of The Hague Tribunal that has been criticized most severely is the most strictly judicial decision it has rendered. (Applause.)

Mr. CRAMMOND KENNEDY : If we had nothing to the credit of arbitration except the Geneva Tribunal and the Fur Seals settlement, arbitration would be amply justified. (Applause.)

The CHAIRMAN : I have also been accustomed to think with pleasure that in the Geneva Arbitration, which represents the high water mark of arbitration, two of the three neutral judges came, one from that glorious little republic of Switzerland, and the other from our sister republic of Brazil. (Applause.)

A PLAN FOR REDUCTION OF ARMAMENTS

REMARKS BY MR. DENYS P. MYERS

Dr. White mentioned the desirability of attention by the Third Hague Conference to the problem of limitation or reduction of armaments, and as he did so a statement of Napoleon occurred to me. He made it at St. Helena at the very end of his life. It was this : " If toward the end of the century (the eighteenth) a head of a state should have appeared in Europe carrying in his hands these two benefits : the suppression of military expenses and the amphictyonic organization of Europe, this man would gain such a force over hearts and consciences that he would secure the absolute power over Europe." It struck me as a most remarkable thing for Napoleon to say, because we all agree that Napoleon knew something about war and military force.

Now the reduction of armaments which he mentioned has been considered from another point of view by a man who lived at his time and wrote a little earlier, Jeremy Bentham, who said he believed that if any nation in his time—and that was written before 1789, even before the French Revolution—would incontinently cast aside all of its armaments, he believed the public opinion of the world would be sufficient to guarantee the safety of that nation. We haven't reached that, but I believe Bentham

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was absolutely right. The difficulty is that there is no practical means of bringing that sentiment to bear.

The present question of the reduction of armaments has usually been considered from the mathematical standpoint. It seems to me that that is wrong. The solution of the problem is not a matter of trying to find a mathematical formula, but of finding a way which will give a freer play to the desire to do away with armaments so that it will have a resultant effect upon armaments. With that idea, at the World Peace Foundation some time ago we worked out a plan which has seemed to us worth printing.

The plan is based upon the proposition that the armament question in the world is essentially one for the eight great powers. These eight powers possess nine-tenths of the naval armaments of the world. Twelve other powers own the other tenth. Some twenty nations have no naval armaments at all. So the real question would be one between the eight great powers. Granting that they would like to reduce their armament as far as they could with safety to themselves, is not the way out the finding of some scheme by which we can give that desire free play? With that thought this proposal was drafted, it being in the form of a supposed agreement between the eight great powers:

“They engage to further by all means within their power the reduction of armaments, and jointly and severally agree to go to the aid of any one of the contracting powers with the forces at their disposal in the event of any one of them being attacked on account of a reduction of armament.”

In other words, if any one nation were attacked on account of undertaking reduction, the others would come to their rescue.

Now suppose the attack was not made on account of the reduction of armaments but on account of something else:

“The question whether an individual reduction of armaments is the occasion of an attack against any one of the parties shall be submitted to an international commission of inquiry, and the establishment of an international commission for that purpose shall be obligatory upon the parties upon the request of any one of them.”

That is exceedingly similar to the Bryan proposition, which is here applied in slightly different form. It goes on:

“The contracting parties engage to postpone any resort to force until the international commission of inquiry shall have rendered its report. Violation of this engagement by any one of the parties shall release the others from its provisions.”

What we need in the matter of reduction of armaments is something definite to work on. And if this idea should prove to be something that can form the merest basis of a beginning, it would be immensely useful. (Applause.)

The Conference then adjourned until evening.

Fourth Session

Thursday, May 28, 1914, 8 P. M.

The CHAIRMAN: The subject of the evening, continuing this morning's discussion, is the Third Hague Conference. We shall have the pleasure of hearing a joint paper prepared by Professor JOHN B. CLARK, of Columbia University, and Sir GEORGE PAISH, of London, Editor of *The Statist*. The paper will be presented by Professor Clark.

A PROPOSED STANDING COMMITTEE OF THE POWERS

JOINT ADDRESS OF SIR GEORGE PAISH AND JOHN B. CLARK, LL.D.

It is a frequent experience of reformers to have an unshaken faith in the ultimate triumph of their cause while seeing no way immediately to promote it. The vision of the delectable mountains may afford cheer but the trail that leads to them may be lost and the pilgrim may seemingly be going entirely astray. What he needs is a path that will lead him through one stage in the right direction. A perfectly assured peace, a world state and a true parliament of man are very remote, and even a high court of nations may be somewhat so. Both of these imply a sovereignty that is above present sovereignties, a paramount authority, whose overlordship nations are not at present ready to accept. We need institutions for preserving peace through the action of states that retain every iota of their own present sovereignty. Between us and the remote summits that mingle with the clouds there are hills that are still somewhat distant but visible and reachable. The recent period of discouragement, when faith in the future was held under difficulties, afforded a suggestion and a partial realization of one institution of this kind; namely, the conference of representatives of great powers which was in session during the Balkan wars. It may be that it represents one intermediate point on the route toward our goal.

The conferences at The Hague and the arbitral tribunal there created have a similar character, since they respect absolutely the sovereign power of the states that participate in them; and yet they mark a great advance for the general cause of peace. It is possible to go farther in the same general line. Whatever lessens the number of international quarrels effects a vast gain,

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and whatever increases the probability of settling quarrels that still occur by the mechanism provided at The Hague effects a further gain and one that will add to the dignity and multiply the usefulness of the tribunal itself. There is more than a possibility—there is an inspiring probability—that all this may be accomplished by giving to a Standing Committee of the Powers a permanent existence. Such a body might supplement cure by prevention, since it would powerfully tend to reduce antagonisms of interest and prevent them from ripening into quarrels.

The conference that continued during the Balkan wars performed such a function under most difficult conditions and with a magnificent result. Whatever faults of omission or of commission it may be accused of, it preserved peace between the great powers of Europe. Members of such bodies as our own have lately been accustomed to hear that their cause is progressing backwards, and truly there was tragedy enough connected with the Balkan wars; but if one looks deeper and realizes how much was achieved by preventing war among the great powers of Europe, he will be willing to register an opinion that the cause of peace has seldom made as great a gain in an equal length of time as it did during and just after those sanguinary struggles. Bloodshed, suffering, hatred, crime, which might have been vastly multiplied were confined to a limited area and to relatively few people. General peace was preserved by the action which was taken under the stimulus of a threatened Armageddon.

Is it possible to perpetuate the agency that achieved this? Can conferences of foreign ministers or their immediate representatives be made a part of the regular procedure of governments? Causes for this exist independently of actual wars. The Armageddon is always a possibility, but aside from this there are reasons in abundance for such a measure. Nations have become interdependent where formerly they sought to be self-contained both politically and economically. They intend to remain so politically, but invention has destroyed their economic insularity. Nations live by serving each other and each finds the goods that others give it necessary for its well-being. If the man, A, clothes B and B feeds A, an economic union exists which is indispensable if neither of them is able both to feed and to clothe himself. An approach to this mutual dependence exists when a nation that has much land and few people is connected with one having little land and many people. The former feeds the combination and the latter clothes it. The one produces wool, cotton, hides, lumber, ores, etc., in excess of its needs, while the other produces a surplus of fabrics, decorations, tools, machines, etc. A land of this latter type is Great Britain. She produces only a third of what she eats, none of the cotton that she uses, and only a part of the wool, iron ore and other raw materials which she trans-

forms. Germany is in a similar position and her welfare depends on a supply of foodstuffs, cotton, wool, etc., from countries like the United States, Australia and Argentina. Germany and Great Britain have thriven greatly by becoming thus dependent on other countries and rendering the other countries dependent on them. The welfare of France is built on a similar foundation. It is true that the slow growth of her population enables her to supply the greater part of her people with food, but her industries have to draw their materials from foreign lands and to sell finished products to more agricultural peoples. The sparsely peopled lands have also thriven by the combination. America profits by selling cotton, wheat, maize, meat, hides, etc., to Europe, and Argentina and Australia profit in a similar way. The whole world has grown richer as the several parts have come into dependence on each other. Their economic isolation they have willingly surrendered, since the less able they are to produce everything for themselves, the more of everything they have gotten.

Not only in exchanging goods does this interdependence show itself; it appears in the investment of capital. Sparsely settled countries are borrowers and the densely peopled European ones are lenders. America, Argentina and Australia are in the borrowing class and Great Britain, France and Germany are in the lending class. Russia will long profit by enormous borrowing, and those who lend capital to her will gain also. Everyone is aware of the immense influence on the welfare of the British people of their ability and willingness to employ their capital in any country in which it can be profitably placed. No less than one-quarter of the total wealth of Great Britain has been employed in other lands, in constructing railways, in opening up mines and wells, in developing farms and plantations and, generally, in producing wealth wherever it can be created. British investors have supplied a great part of the capital for railways and shipping the world over, by means of which alone the interchange of immense quantities of goods between nations has been rendered possible, and British bankers provide a large part of the banking facilities which enable the world productions to be moved from each country to all other countries. In a very real sense, therefore, the prosperity of the British people is bound up with the world's welfare.

This interdependence, industrial on the one side, financial on the other, ties nations so closely together that calamity in one country injures in some degree almost every other. Misfortune can visit no country without bringing injury to Great Britain. The failure of the monsoon in India raises the price of bread in England and curtails the demand of the people of India for foreign goods in general and for British goods in particular.

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It creates unemployment in Great Britain as well as in other lands. A drought in Australia diminishes the supply of wool available for manufacture in England, raises the price of clothing and curtails the demand. A bad sugar crop on the Continent enhances the price of sugar and diminishes consuming power. Even an earthquake at San Francisco, Jamaica, or elsewhere, destroying vast quantities of wealth, causes the loss of millions of pounds sterling to the British people. It would be possible to go from country to country, from event to event, and to prove conclusively that the welfare of the British people is interwoven with the welfare of the inhabitants of other lands, and that Great Britain participates in a remarkable manner in the fortune, both good and bad, of every country in the world. Everywhere we encounter common interests and the problem is how to get an agency capable of protecting them.

The calamity of war remains, but it is held in check by diplomacy and by arbitration. Wisdom like that which has so successfully dealt with the calamities of pestilence and famine will check it still further. Since the call was issued for the first conference at The Hague, mankind has marched a long way towards the abolition of war; but it has still no complete guarantees against it, and the enormous and increasing expenditures upon armaments and the numbers of men under arms, besides being intolerable burdens in themselves, attest the awful danger which constantly impends over the world. We live in the shadow of a possible war that has never been equaled for destructiveness. It might come if peace were broken between any of the great European nations, and crushing burdens from it would fall not only on the nations directly engaged but on every nation in the world. It is evident that a fresh step must be taken without further delay if this calamity to the race is to be averted.

In considering the next step now called for, it is of the highest importance to realize not only the disasters directly caused by any great war, but the fact that they would fall, not merely on the Powers directly engaged, but upon every country. All nations are to-day interested in and affected by any dispute which may act as an incentive to war. The welfare of individual nations is governed by the general welfare, and the "general interest" of all countries needs to be supremely safeguarded. Politically we shall remain independent, but in economics—in that which directly determines our welfare—we cannot possibly be so.

What is now needed is machinery by which the general interest of the whole of mankind shall be protected. A question that we need to bring before the next Hague Conference, if it is held soon, and to discuss, whether the Conference is held soon or not, is whether the general interest can be best conserved by a

Standing Committee of the Powers. On this Committee all nations would have a right to representation, though its formation might be effected by the assent of some of the powers. It should appoint its own officers, on whom would devolve the responsibility of calling meetings from time to time whenever the general interest is affected by differences between individual Powers. The function of such a Committee would by no means be confined to averting war when it seems imminent. The elaborate network of business relations that ties the countries together will afford vital interests that need to be constantly guarded through periods of peace; but they need it more in the crises when war is imminent.

Peace is becoming a supreme economic asset of civilized nations, and the happiness of the human race depends on it as never before in history. Disrupting the international ties is somewhat like rending asunder the members of the human body; and yet those very ties multiply possible differences of interest. The paradox of civilization is that it makes peace indispensable while furnishing a thousand incentives for breaking it. Close commercial connections abound in opportunities for pecuniary disputes; but the saving fact is that these are of a kind that especially fits them for friendly adjustment. They are pre-eminently subjects for arbitration. Most of them do not affect "honor and vital interests" and, instead of being subjects which a nation would be ashamed to submit to arbitration, they are of a kind which most nations would be ashamed not to settle in that way. An individual may be impelled by his sense of dignity to strike a man who insults him, but he would be ashamed to strike a man in order to collect a debt. Honor itself requires that business quarrels should be adjusted by a court, and a right minded people will be impelled by self-respect to settle them in such ways. This motive, however, will be greatly strengthened if conferences frequently occur between foreign ministers of the several states.

To prevent differences of interest from ripening into quarrels, to settle quarrels when they occur without wars—such is the purpose of a Standing Committee of the Powers. It would not be a parliament of man, but a modest institution, easily founded and capable of doing a vast amount of good to all humanity. It would co-operate with the institutions at The Hague. It should be unembarrassed by an elaborate constitution or by many periodical meetings. Men already in office and dealing with each other through the more indirect channels of diplomacy could, with no essential change of function, come directly together for promoting the common good. Such an informal Committee might be called into being by the Conference at The Hague, or by the

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action of a few states if that Conference should not soon be in session. For its general plan of action when fully organized, Sir George Paish has offered concrete suggestions.*

The Committee would consist of Foreign Ministers of the participating countries or their delegates, and would meet at The Hague and have a permanent secretary residing there. In dealing with local questions it could work through sub-committees which would mediate between countries having grievances, in a manner prescribed by The Hague Conference. There would be no coercing of powers that might refuse to accept a committee's decision.

Far short is this plan of realizing a world state, and yet it may represent too long a step toward it to be quite easily and quickly realized. Believing in it may be idealism of a conservative kind and may call for a measure of faith; but of one thing we may be sure;—working for common ends is a very rapid unifier of nations. Far from ideal as is the present relation of the powers of Europe, it has been immeasurably improved by the recent conferences at London. A few more experiences of this kind would doubly fortify the general peace and place Europe where it would be natural and easy to confer often in lesser exi-

*. Sir George Paish's suggestions are:

1. Powers to be asked to agree to creation of a Standing Committee.
2. Foreign Ministers of assenting Powers to constitute the Standing Committee, with power to delegate duties to representatives.
3. Meetings of Standing Committee to be held at The Hague.
4. Permanent Secretary of Standing Committee to be appointed, with offices at The Hague.
5. Secretary to summon meetings of Standing Committee on request of members representing three Powers.
6. Standing Committee to have power to appoint Sub-Committees to deal with matters under discussion.
7. No Power to be excluded from any Sub-Committee on which it desires to be represented.
8. Sub-Committees to meet in countries selected by Standing Committee.
9. Foreign Minister of country in which Sub-Committee is required to meet to be President of such Sub-Committee, with power to delegate his duties.
10. Any member (i. e., any Foreign Minister) may be represented by separate persons on the Standing Committee and on the Sub-Committees.
11. Sub-Committees shall have power to inquire into grievances between nations and to endeavor to effect a settlement by peaceful means.
12. Whenever a Sub-Committee fails to arrange a settlement between nations in disagreement it shall request the Secretary of the Standing Committee to summon a meeting of the Standing Committee to consider the measures, if any, peaceful or otherwise, to be taken to effect a settlement.
13. No Power shall be under obligation to assist in carrying out any decision of the Standing Committee unless its representatives on the Standing Committee approve such decision and are authorized to support it.

gencies. It would be strange if, far short of the opening of another century, the great powers were not compelled to evolve a system akin to that of the Standing Committee here suggested. Real as is still the separation of our country from Latin America, it is far from being what it was before the friendly offices of the A. B. C. powers were offered and accepted. It would be hard to recall a more rapid change of attitude than that one event has caused. Imagine what would happen if often from East and South and West "strong men stood face to face" and worked for the interests of all. As in the case of many an event in the course of human progress, it may be necessary to content ourselves with expecting it without specifying the exact date of its coming; but the difficulties in the way of it will have dwindled nearly to the vanishing point when foreign ministers or their representatives shall have met familiarly a comparatively few times and take concrete and practical measures of mutual benefit.

If we compare the condition of the world under such a rule with the present condition, we shall find that on the political side the difference is relatively small. The nations will be as independent and as sovereign as ever. On the economic side the difference will be vast, since the united forces of the world will be used to raise the level of human life. In what concerns the welfare of humanity the step would mean an enormous gain.

If we compare the condition under that rule with a complete world federation, we shall find that the political difference is enormous and the economic one relatively little. The peoples of the earth can live nearly as well under their separate governments as they can under any common one. After attaining the state in which a standing committee might place us we should have, in a material way, not very much to gain by a closer union. The state that we are trying to depict promises to make men far better off than with no good means of common action they can hope ever to be, and not much short of the condition they will reach under the "parliament of man." The difficulties in the way of that final consummation are political and nearly insuperable while there are few difficulties in the way of the more modest but almost equally beneficent scheme. It is our national independence that we are all jealous of and that, under a Standing Committee, we should keep. The evolution that seems to be before us avoids the political difficulty and affords most of the gain in view. Already the route is revealed that leads to this nearer goal and it is in our power greatly to quicken our steps in that direction. (Applause.)

The CHAIRMAN: The next speaker is Mr. CHARLES CHENEY HYDE, Professor of International Law in Northwestern University Law School.

INTERNATIONAL PRIVATE CLAIMS

A CONVENTION FOR THE PREVENTION OF INTERNATIONAL DIFFERENCES ARISING FROM PRIVATE CLAIMS

ADDRESS BY CHARLES CHENEY HYDE, LL.B.

The chief purpose of the First and Second Hague Peace Conferences was to promote justice among the nations either by facilitating the adjustment of international controversies through amicable means, or by prescribing rules to be observed when opposing states engaged in war, and the rights and duties of neutrals also came into being. Neither Conference concerned itself with measures designed to prevent issues of a domestic character such as those between a state and a resident alien from attaining international significance. The inquiry suggests itself: Would it be feasible and desirable for the Secretary of State to instruct the delegates of the United States to the Third Hague Conference, to exert their influence for the approval of a convention aimed to prevent controversies arising between a state and a resident alien from attaining such a character, and from so engendering friction between friendly nations?

The United States and numerous other nations have gained valuable experience from recourse to arbitration. While they have found that that method of adjustment has been applicable to issues of gravest magnitude, involving oftentimes national honor, they have frequently had reason to regret that the particular controversy had not been settled by diplomacy or through some domestic channel available to the private claimant. One reason for such regret has been the incurring through arbitration, of expense disproportionate to the pecuniary amount involved. Another reason has been the fact that the question at issue did not present inherent difficulties, and was one which any enlightened and impartial domestic tribunal would have decided in the same way. Such experiences always raise the pertinent question: Why should we invoke the aid of an international forum to secure the justice that ought to have been obtainable through the courts of the state where the claim arose?

Even a cursory examination of private claims which have become the subject of diplomatic reclamation, and hence a source of controversy between the United States and other countries during the past century, is enlightening. It shows that in almost every instance the espousal of the cause of an aggrieved alien by his own state and the preferring of a demand for redress in his behalf has been due not merely to the fact that he was the victim of a denial of justice through some agency of the state charged with wrongdoing, but chiefly to the fact that after having been denied justice he was unable to obtain redress through any domestic channel. Interposition has usually been attribu-

table to the failure of the delinquent state to enable the claimant to obtain redress against it by judicial process.

This inability has usually been manifest in the absence of any local court clothed with power to denounce the internationally illegal aspect of acts attributable to the state, or occasionally in the absence of any court sufficiently courageous or sufficiently independent of the political department of its own government to pass judgment on the propriety of its conduct. In a word, the case of the aggrieved alien has been made the case of his country and thus given an international character, because the state charged with wrongdoing has failed to provide machinery whereby the propriety of its conduct might be scrutinized, and if need be, denounced as wrongful, by an independent domestic court. Given the right to invoke the aid of a learned and impartial judge clothed with necessary jurisdiction, the aggrieved individual would be almost always enabled to obtain justice through domestic channels, notwithstanding the wrongs he had endured at the very hands of the state.

Moreover, it is rare that such an individual, however grievous his complaint, presents a cause that could not be adjudicated before such a court with entire success. It is as great a waste of energy to submit to an international tribunal an issue arising from a case of mob violence or respecting the confiscatory breach of a contract as it is to call upon the Supreme Court of the United States to pass upon a question of negligence. The work of international tribunals should be confined, as far as possible in cases of private claims, to issues where an adjudication before a domestic court results in what is deemed to be a denial of justice.

Of the United States, criticism has often been made because of its failure to enact laws clothing its Federal courts with jurisdiction over offenses committed against aliens in violation of their treaty rights. In other respects also there is doubtless lack of appropriate legislation, both state and federal, to enable domestic courts to grant redress to aliens in cases of denial of justice. In certain other countries the alien claimant has at times found it unavailing to exhaust his judicial remedies because of the known subserviency of the courts to the political department of the government. In such a situation the value of statutory remedies, however comprehensive, is shattered by the lack of respect for the courts called upon to enforce them. Such, it will be remembered, was in part the ground of the complain of Germany against Venezuela in 1901, and hence announced by the former as one of its reasons for vigorous interposition.

No system of laws, however admirably designed to render a state amenable to the process of its own courts at the suit of

an alien claimant, will ever serve to retard interposition, unless the judges are men of known integrity and fearless of the consequences of denouncing the conduct of their country. No convention, therefore, contemplating the withholding of interposition in cases of denial of justice would receive substantial support from the participants of the Third Hague Conference, if it purported to lessen the right of the state of the aggrieved alien to interpose in his behalf whenever it had just cause to distrust the administration of justice in the state charged with wrongdoing. The abatement of distrust of foreign courts as well as of the operation of foreign laws must be the result of experience. When it is found that such courts and such laws serve in fact to accomplish the purpose for which they were established, enlightened states are not disposed to question their efficacy. If the modern practice of extradition affords an analogy, there is reason to believe that states generally are gaining mutual respect for the operation of foreign laws and the integrity and acumen of foreign judges. Nevertheless, this tendency cannot be expected to shield from the consequences of its own wrongdoing any state whose courts have proven unworthy of respect, through subserviency to the political department, or by reason of their habit of disregarding local laws or existing treaties, or well-defined principles of international law.

It is apparent, therefore, that no convention aiming to retard interposition in cases of denial of justice would be feasible or acceptable to states generally, which failed to contain express reservation declaring the entire propriety of demanding redress from a delinquent state whose judicial system had for any reason forfeited the respect of the outside world. It may be urged that such a limitation could not be well expressed save in terms that would always afford excuse for interposition. In response it may be said: First, that the basis of the reservation involves so serious a charge of national delinquency that it would not be invoked except for cause, and that against a state without defense against the accusation; second, that grounds for invoking the reservation would rarely arise where an enlightened state was charged by an alien with wrongdoing; and third, that the very existence of the reservation in a general convention would tend to encourage reform on the part of any signatory states, the operation of whose judicial system had previously been a matter of reproach.

Numerous attempts have been made by individual states to prevent interposition by the governments of aggrieved aliens. Such efforts have on the whole been futile, first, because they have generally sought to minimize or deny the internationally illegal aspect of conduct at which the outside world habitually takes offense, and second, because they have denied the right

of interposition even when just cause therefor appeared to exist. It must be obvious that no state can limit by a standard of its own creation either the scope of its duties towards the resident alien, or the circumstances when his country may justly interpose in his behalf. Hence local laws enacted to accomplish either purpose always meet with stubborn protest from abroad.

Certain states have concluded with each other numerous treaties expressive of reciprocal irresponsibility for losses and injuries sustained by their respective citizens under circumstances when the law of nations establishes liability. This practice has been condemned by the Institute of International Law, and has not found encouragement on the part of Europe or the United States.

Again, the Calvo clause, sometimes embodied in the terms of a contract between an alien and a Latin-American state, and providing that any controversy arising from the agreement shall be decided by the local courts, and in no event be the cause of international reclamation, has been another device for the prevention of interposition; and this also has in fact proven unavailing.

The United States has in years past questioned the propriety of interposition on grounds that have been unworthy of the best traditions of its diplomacy. There have been cases where, following a denial of justice to resident aliens, the states of which they were nationals have been informed that interposition lacked justification, because the victims were given full access to the courts and as broad privileges in that regard as American citizens; and it has been urged by implication that the test of the scope of the obligation of the state in furnishing redress was the measure of justice which it offered its own citizens. This contention overlooks the principle that the obligation of a state to perform duties of jurisdiction with respect to an alien is fixed by an international rather than a national standard; and that whenever an alien suffers absolute wrong through the operation of local laws or procedure, even though applied without discrimination to citizens and foreigners, he is denied justice.

Such efforts as the foregoing naturally fall short of their purpose. They serve, moreover, to breed contempt for the attitude of the delinquent state respecting international law. There is no prospect of diminishing the number of international controversies arising from private claims by belittling or denying the wrongfulness of conduct which the family of nations brands as such, or by reliance upon any domestic processes which, although similar to those afforded citizens, hopelessly fail in fact to enable the alien victim to obtain complete redress.

Certain Latin-American states have, on the other hand, concluded with several European states as well as with each other,

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a type of convention which offers impressive evidence of a better tendency and which is highly suggestive of what might be accomplished at the Third Hague Conference. They provide that in order to avoid what might jeopardize the friendly relations of the contracting parties, official diplomatic interposition, except to arrive at a friendly arrangement, shall not take place in behalf of private individuals whose claims are cognizable by the civil or criminal law, and which are before the courts of the country, unless there be a denial of justice, or in the case of a final judgment not being carried out. Germany, Italy, Spain, France, The Netherlands, and Sweden are parties to such agreements with Central or South American countries. Art. XXXIV of the treaty of 1887 between the United States and Peru, contained a somewhat similar provision. Although these conventions may be open to criticism by reason of their form of phraseology, they, nevertheless, bear significant testimony of the desire of important states to prevent private claims from attaining international significance.

The willingness of a state to enable the alien victim of its own misconduct to obtain complete reparation by the exhaustion of a local remedy is and must necessarily be proportional to a sensitiveness on its part to its own shortcomings. A nation cannot be said to have attained such a quality when for any cause its own citizens are generally ignorant of or unconcerned with matters that pertain to its foreign affairs, or when they do not cease to experience a sense of national elation in getting the better of any other state by devious ways or by unjust measures. Happily there is evidence of a tendency towards better things. The widespread sentiment in the United States that found expression in a recent message of President Wilson, that we should under no circumstances violate the provisions of the Hay-Pauncefote Treaty of 1901, irrespective of any pecuniary advantages that might possibly be gained by so doing, is significant of an encouragingly healthful condition. Nevertheless, a stimulus is needed to awaken in the individual state chagrin whenever it fails to afford the alien victim of its own misconduct complete redress in a local forum. It is believed that an effective stimulus might be found in offering such a state assurance that its bona fide attempts to render itself amenable to its own courts presided over by independent and learned judges would serve in fact to ward off interposition, even when the resident alien had been denied justice at the hands of a governmental agency. It is further believed that the enactment of laws and the establishment of tribunals whereby the aggrieved alien could obtain an effective remedy, would serve also to minimize the occasions when the state itself could be justly charged with having denied justice. The very lodgment of a means of

redress in the resident alien and the knowledge that it could be readily utilized would work as a powerful deterrent of internationally illegal conduct.

The inquiry may arise as to the degree of importance to the states to be represented at the Third Hague Conference of any convention purporting to discourage interposition. It might be urged that, notwithstanding the feasibility of such a convention, the need of its conclusion is not sufficiently general or obvious to make the matter one worthy of attention when the powers next convene. Three responses suggest themselves. The first is that a convention such as is proposed is simply declaratory of international law; and that the codification of that law by general agreement is one of the important functions to which the attention of the Third Hague Conference will be addressed. The second is that the Department of State and likewise the foreign offices of other countries are constantly embarrassed by the efforts of citizens to procure interposition under circumstances when it would be highly desirable if the individual claimant could be safely left to his own devices in the courts of the state charged with misconduct. The third and probably the most important answer is, that the very existence of an international controversy, of whatsoever origin, tends directly to interfere with the friendly relations between the opposing states. On some occasions the prosecution of private claims has led to the breaking off of diplomatic relations; on others it has led to war; and the cause that has produced these dire results has been merely the failure of the state charged with wrongdoing to have available ample means for redress within its own domain. Thus, for example, the United States and Italy withdrew their respective ministers accredited to the government of each other as a consequence of friction produced by the controversy arising from claims in behalf of the families of victims of the New Orleans riot in 1891. In 1902 it will be remembered that Germany, Great Britain and Italy not only employed force, but made technical war upon Venezuela by reason of the treatment accorded the claims of citizens by the former state.

While the imperative need of a convention for the prevention of international differences arising from private claims may be apparent, the drafting of an appropriate agreement, such as the United States might not hesitate to present to the Third Hague Conference, involves great difficulties. Such a convention should contain nothing that could be construed as minimizing or excusing the wrongfulness of internationally illegal conduct. It should not attempt to define a denial of justice. Obviously the burden of the convention should be to deter a state from preferring a demand for redress in behalf of an aggrieved citizen until he had exhausted his local remedies in the state charged

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with wrongdoing. The circumstances, however, when such a state should be free to interpose ought to be clearly specified.

Mindful of the foregoing requirements, and conscious of the difficulty of expressing them in any form entitled to general approval, the following draft is, with greatest deference, submitted to your consideration:

"The contracting parties agree not to prefer claims for redress through the diplomatic channel in behalf of nationals claiming to have been victims of a denial of justice committed by any agency of the government of another country, until the aggrieved nationals shall have exhausted their local judicial remedies.

"This understanding is not, however, applicable when the state charged with denying justice fails by appropriate legislation to clothe its courts with power to pass judgment on the lawfulness of its own conduct as tested by international law and existing treaties, and with power to award damages against it; or when its courts of appropriate jurisdiction have themselves habitually denied justice to alien litigants."

This convention will be submitted also to the Committee of the United States on the Program of the Third Hague Conference. (Applause.)

The CHAIRMAN: Daniel Webster once spoke of a certain sentiment as being dear to the American heart. He was not speaking of the Monroe Doctrine, but if he had been he might have said the same thing. We shall now hear an address on that subject by Dr. WILLIAM I. HULL, Professor of History and International Relations in Swarthmore College.

THE HAGUE SOLUTION OF THE MONROE DOCTRINE PROBLEM

ADDRESS BY WILLIAM I. HULL, PH.D.

To criticize the Monroe Doctrine is regarded by many of our good fellow-countrymen as being in the same class of heinous crimes against American patriotism as would be the condemnation of the Declaration of Independence, the annulment of the Constitution, or the abrogation of the Proclamation of Emancipation. It is vigorously denied that there is any *problem* at all connected with it, either in its interpretation or in its enforcement. But the unadorned facts of our international relations during the past score of years make it plain to the wayfaring man who reads as he runs that the problem does exist and is growing ever greater.

The doctrine, receiving the modest name of its reputed father, began its career nearly a century ago and has grown into the

mighty oak which now casts its shadow around the world. All of Europe and the powers of Asia and of Latin America as well have been summoned by it to stop, look, listen, and obey.

The *territorial* aspect of the doctrine has come to include a prohibition of the acquisition of American soil by means of colonization, of force, or of voluntary transfer by the four Old World powers possessing American territory to other Old World powers, by New World powers to Old World powers, and, probably, by New World powers to other New World powers. In application of the Rooseveltian theory that the Monroe Doctrine "is really a guaranty of the commercial independence of the Americas," the United States has warned off Old World powers from the acquisition of any of the six inter-oceanic canal routes; the Senate has adopted a resolution forbidding any corporation subsidized or controlled by an Old World government to acquire lands in the Americas which is so situated as to menace the safety or communications of the United States; and the President, in his "Mobile Declaration," has given warning against the Latin American policy of granting "concessions" to foreign corporations.

Meanwhile, the United States has applied this assertion of territorial integrity in the Americas in a wholly one-sided way, that is, against all *other* nations, excluding itself. It has extended its talons Eastward into the Atlantic Ocean and annexed Porto Rico; it has cut off territory seventeen times as large as New York State from Mexico, and has "taken" the Canal Zone; and it has reached out Westward across the vast Pacific and annexed Samoa, the Hawaiian Isles, and the Philippines on the very threshold of Asia.

The *governmental* aspect of the doctrine has grown from a veto by the United States on the restoration of the Spanish monarchy in America, and a self-denying ordinance against its own interference with Latin American governments, to include an extraordinarily far-reaching programme of political activity. It has caused the cessation of Spanish sovereignty in the West Indies; it has established by the Platt Amendment its right of intervention in Cuba to protect that republic's independence and to maintain in it a government adequate for the protection of life, property and individual liberty; it has protected the right of revolution in Panama, and guaranteed the independence of that republic, while at the same time it prevented by armed force the right of Colombia to suppress what was from the Colombian point of view a rebellion and not a revolution; it has decided against rebellions in the Dominican Republic and in Nicaragua, and has suppressed them by means of its warships and its marines; it has negotiated a treaty with Nicaragua for the conversion of that republic into a protectorate of the United

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States and a base of operations against incipient rebellions in all of the Central American republics; it has put down one president and set up another in Santa Domingo, driven out one president, refused recognition to another, suppressed him, placed a third in the presidential chair, and left a body of marines to guard him, in Nicaragua, and in Mexico it has refused recognition to Huerta, compelled him to hold a presidential election, refused him permission to be a candidate in it, rejected the electoral returns, and watchfully waited for him to retire; it has "supervised" the elections in one West India republic, and prevented the government of another from pardoning prisoners accused of looting the treasury; and, to protect the financial status, and thus preserve stable government, in these republics, it has collected and distributed the customs dues and forbidden the contracting of public debts beyond the ordinary revenue.

It is small wonder that in view of such a programme as this the consistent application of the doctrine of popular sovereignty and self-government should have been lost sight of by the public servants of our own land, and that a distinguished Republican should have gone ahead regardless of the Constitution and rough ridden over the Senate, in order to carry it out, or that one eminent Democrat should have declared that "the United States is practical sovereign on this continent, and its fiat is law upon the subject to which it confines its interposition," while another Democrat, even more eminent, should have declared that "we are the friends of constitutional government in America; we are more than its friends: we are its *champions*."

The rest of the world has lost patience with our attempts to square our international practice with our political theory, or to stretch our theory to cover our practice, and it makes diverse demands upon us. Old World governments demand that, if we will not permit them to protect their subjects' lives and property, we must do so ourselves; Old World corporations demand that we shall use our own big stick to protect their employees and investments; Old World sentiment demands that we shall suppress inhumanity in the rubber fields of Bolivia and Peru; our own corporations demand that our government shall back them up in their competition with Old World corporations in the struggle for "concessions," and support them with our dreadnoughts in the collection of their claims upon Latin America; the Latin Americans distrust us as "the great Yankee peril of the North," and yield to the financial and industrial persuasions of European, rather than to those of American, merchants and financiers; and our own solicitude for the "Monroe Doctrine" leads us to interpret every move,—commercial, naval, or otherwise,—on the part of our natural and traditional friends, Germany and Japan, as a veiled or open attack upon us, and induces us to

collect an income tax in time of profound peace and to convert two-thirds of our national income into armaments on land and sea.

Confronted by these indisputable facts, the most doubting of Thomases must admit that the Monroe Doctrine has become by its growth alone a great and ever growing problem. The existence and gravity of this problem are shown by the fact that at least seven solutions of it are being ardently advocated. The scope of this address will not permit a review of these proposed solutions, but they may be at least mentioned, if only to suggest their inadequacy, or their preparatory character as leading up to what appeals to me as the ultimate, adequate and wholly desirable one.

Those critics who have become most impatient with the evils which the doctrine has entailed demand that it be thrown overboard from our republic's ship of state, and that our Latin American neighbors be permitted or compelled to shift for themselves and,—the Devil take the hindmost! It is only the recent developments of the doctrine, say others, that have caused our present ills; therefore let us curtail this new Monroe Doctrine, just behind its ears, and leave only its original head and front of opposition to European colonization and intervention in Latin America. The new doctrine, say a third class, is the logical development of the old, made necessary by the complex intimacies of modern international life; hence it must be borne, and we, the people of the United States, must bear it as of yore,—grin though we may and arm though we must. The increasing burden and responsibility of the doctrine, say others, should at least cause it to be transformed from a mere national policy into generally accepted international law; let us, then, they insist, secure the Old World's formal sanction of it, by means of individual or collective bargaining for it with the great powers of Europe and Asia. Let us go farther still, is a fifth suggestion, and add to their formal sanction of it as international law their definite promise to aid us in its enforcement. No, reply the opponents of this policy of entangling alliances with Old World powers, it is a doctrine which primarily concerns America, and our best course would be to unite the great powers of America; namely, Argentine, Brazil and Chile, with the United States for a joint enforcement of it. Since it concerns America, and *all* America, reply another group, let us make it a Pan-American affair and unite all of America's twenty-one republics for its support.

Such are what may be called the "seven sister" solutions of our great international problem, and the face and form of each of them is becoming daily more familiar to the American public as the debate proceeds. They all have their partisans, and some

of them have secured a large and increasingly vociferous following. But,—to change the simile—these seven lamps of international architecture are not capable of casting sufficient light upon our problem, and we must seek further for the central sun of truth. That there is such a sun, from which these lamps derive all the light they have, and which is itself capable both of shedding sufficient light upon our problem and of becoming the beneficent solution of it, I am happy to believe. This sun has already risen above our horizon and is shining across the Atlantic from The Hague.

The new internationalism which finds its center at The Hague requires, in the first place, a genuine belief in the *family* relations of the nations. It demands, not political centralization, not universal imperialism, of course, but international federation. The United States of America, for better or for worse, has relinquished its policy of isolation, and stands now at the beginning of two paths, that of national imperialism and that of international federation. Its prime characteristics and its most cherished ideals impel it to proceed resolutely upon the path of international federation. Its own history has taught it that liberty *and* union are one and inseparable; and liberty *and* union means liberty *in* union, for the nation as well as for the forty-eight states and for individuals. Its every instinct is opposed to the system of "armed peace," which it has rejected within its borders as destructive both of the Union and of civilization. It has given its heart to "liberty regulated by law," and it is slowly but surely rising to the great task of applying this principle within the international, as well as the national and the local, arena.

That national imperialism is foreign to the very nature of the United States is shown by the fact that beneath the tread of its armies on foreign soil, education, sanitation, an inter-oceanic canal, and popular government have arisen in defiance of the old imperialistic dicta of *vae victis* and *to the victors belong the spoils*. The cosmopolitan origin of its citizens is a prime source of its pride and its strength, and fits it pre-eminently for the international rôle of our time.

There is a high power which is coming to dominate the affairs of men, and that is the power of *international* public opinion. A "decent respect for the opinion of mankind" is developing,—reluctantly, perhaps, but none the less surely,—into obedience to its demands. The sun of wisdom and of justice is no longer held to rise and set within the boundaries of our own land. Travel, science, literature, a search for foreign markets, dependence upon imports, all the thousand and one ties in this age of wireless telegraphy and flight on, under and above the oceans, have bound us irrevocably and consciously with the rest of the family of nations.

Applying this great Twentieth Century principle of the interdependence of the nations to the problem of the Monroe Doctrine, it becomes evident that the logical and certain solution of it must be the assumption of its rights and responsibilities by the entire family of nations and its subjection to the institutions established at The Hague. I am well aware that this proposition will appear chimerical and even treasonable to rabid "Americans" who denounce even the living up to certain treaties, solemnly signed and ratified though they be, as a betrayal of the United States and a truckling to Great Britain. Those Americans, senatorial and otherwise, who see in the Panama Canal only *our* canal and *our* water, to be used on such terms as *we* please by our coastwise shipping, which shipping cannot be said, of course,—since it is ours,—to be engaged in *commerce* as the rest of the world understands that term; those who declare that general treaties of arbitration, such as those of 1911, cannot rightly be ratified by the United States Senate, which must also exercise the right of ratifying the *compromis* under *any* arbitration treaty; those who believe, with many officers of our army and navy that, as one of them recently expressed it, "the Mexican bandits, greasers, peddlers, money-changers, backbiters, murderers and thieves need a sound thrashing and we must give it to them;" those who believe that the "dishonor" which Huerta cast upon the flag can be atoned for only by hoisting the flag in Mexico to stay, or, as Colonel Watterson demands, by carrying it on to Panama,—Americans of this complexion will find no virtue in The Hague solution of the Monroe Doctrine problem.

When the United States accepted the recent A. B. C. offer of mediation, the Dayton (Ohio) *Journal* declared that "every red-blooded American hides his face in shame"; and the funereal proprietor of sundry yellow journals declared that "to do our full duty to our own murdered fellow-citizens, to our own nation, and to the nations of the world, we should invade Mexico, occupy, pacify and annex it."

But when we clamber up out of the dregs of such yellow jingoism to the serene heights of genuine American democracy, how abnormal and mediaeval appear such suggestions as to the "natural boundary" of the United States being the Panama Canal or the Orinoco River. Assuredly the shades of Louis XIV and Napoleon cannot live long in the normal atmosphere of our time and country. That the United States shall enforce the *Pax Americana* in the Caribbean Sea—the Mediterranean of the West—in imitation of ancient Rome's imperialism and in forgetfulness of the fate which deservedly overtook her, is repugnant to every true-hearted American. We resent Admiral Weber's words before the German Navy League when he praised the elasticity of the Navy Law of Germany by declaring that

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“in international relations it has lately proved to be a political instrument of equal force with the American Monroe Doctrine and the English two-power standard.” We resent the idea of Central America as a sphere of influence, a coterie of protectorates, of the United States, and as a field of exploitation for “dollar diplomacy.” We resent the stirring-up of revolutions by our own fellow-citizens in neighboring republics, so that their natural resources, such as canal-routes, oil and gold deposits, may become tributary to the almighty dollar of American billionaires. Our government, at the very least, must cease to respond to appeals for aid in such exploitation, and the Monroe Doctrine must cease to serve as a cloak for constant intervention in the affairs of the Latin American republics.

A recognition of the logical fallacies and the unbearable responsibilities into which we are inevitably led by our national enforcement of what are unquestionably international rights and duties, has already dawned upon our government and it has taken an honorable, indeed, a leading part in developing the new internationalism.

In the second Conference at The Hague, its delegates led the struggle for the adoption of a world treaty of arbitration and the establishment of a genuine court of arbitral justice. The third Conference must see the triumph of these great international institutions, and they are precisely the institutions to which may be safely entrusted the burden of enforcing the Monroe Doctrine.

One splendid move was made by the United States itself in the direction of sharing with the rest of the family of nations a portion of the responsibility and burden of the Monroe Doctrine when it secured the adoption by the Second Hague Conference of that proposition to which the name of our own General Porter has been given. This provides for the obligatory arbitration of contractual debts before a resort is had to force for their collection; and it was intended to apply especially to Latin American indebtedness to European creditors. But the collection of contractual indebtedness is only one of the multitudinous ways in which an attack on Latin American territory or self-government may invoke the application of the Monroe Doctrine; and this step must be followed by others in the same direction.

The neutralization of Latin America by the Third Hague Conference, or, better still, a guarantee by that Conference of the territorial integrity of *all* the members of the family of nations, would not only relieve our country of the burden of sustaining this principle of the Monroe Doctrine, but would apply that just and righteous principle to the entire world. The institution of the Court of Arbitral Justice would be greatly facilitated by

such a measure; for the smaller members of the family of nations would be more willing to constitute the court on some one of the plans proposed, if they could be assured that this important element of their sovereignty could not be brought before the bar of a court on which they may not have absolute equality of representation. The ratification of treaties of general and even universal arbitration would also be greatly facilitated, as was shown in the Senate's debate on the Treaties of 1911, by this world-wide application of territorial integrity, the first principle of the Monroe Doctrine.

The world-wide application of the second principle of the doctrine; namely, The Hague guarantee of popular or constitutional, and of solvent and stable governments, although more difficult, is not, in my humble judgment, impossible. There is no doubt that such a guarantee, if possible, would be far less expensive in lives and money, more effective and more just than a guarantee supplied by the United States alone. With the triumphant march of constitutional government around the world, it represents already nine points of national law, and the burden of proof against it would be placed by any international court of our time upon the opposing party. National courts are daily grappling with far more difficult cases in equity than would be brought before the international court by, for example, the present political problem in Mexico.

The problem has two aspects; namely, the prevention of foreign aid to domestic rebellion, and the pacification of the rebellious factions.

The United States Congress has already recognized the responsibility of one country for the promotion of a revolt in another, by adopting the significant resolution* that "whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States," he shall be authorized to lay an embargo on their exportation; and familiar events have recently illustrated the result both of laying and of lifting such an embargo. It may well be that out of such incidents as the German steamship *Ypiranga's* failure to land its cargo of munitions of war in Mexico, this aid to the maintenance of stable governments may secure world-wide sanction and observance at The Hague. If loans supplied at speculative rates of interest by foreign usurers to incipient rebellions could also be placed under the ban of all the nations at the third Conference, this nefarious kind of "international promotion" would be effectively checked.

Two judicial precedents have already been created in this field of international law; and although they were set up on a rela-

* March 14, 1912.

tively small and obscure part of the international stage, they were established under exceedingly difficult circumstances and were wholly effective. These were: First, the arbitration of the revolutionary struggle between Presidents Bonilla and Davila, of Honduras, in 1911, which resulted in the resignation of the latter, the election of the former, and the end of the civil war; and, second, the issue of an interlocutory degree by the Central American Court of Justice, in 1909, which put an end to a revolutionary movement in Honduras by fixing the *status quo*, and by enjoining the neighboring republics of Guatemala and Salvador from giving aid and comfort to the rebellion. The sanction back of such an award by the court of *all* the nations at The Hague, including as it would all the *vis maxima* of the Twentieth Century's diplomacy, commerce, finance, and international public opinion, not to mention if necessary, an international police force, would be ample for its enforcement; and it is inconceivable that any nation on the face of the earth would have the temerity even to contest it.

The *crux* of this problem, of course, is the getting of such cases into court. But, as the United States knows only too well, the modern world is bound too closely together, and is too much under the dominion of the ideals of civilization, to permit the indefinite running of an open sore in the body politic of any member of the international family. This fact would supply the motive force to bring such cases into the international court; while the agencies through which it could be accomplished have been supplied by The Hague Conferences and have already had extraordinary success.

Good offices, mediation, special mediation, commissions of inquiry, a permanent administrative council, a permanent bureau, and a permanent court of arbitration: such are the agencies created at The Hague, all but one of which have sprung into beneficent activity and all of which may be utilized with success in the solution of more difficult problems than that of the Monroe Doctrine.

The extension of good offices by the United States to Russia and Japan helped to bring about the Treaty of Portsmouth and the termination of the most destructive of modern wars. The extension of good offices to the opposing forces in Mexico by the permanent administrative council at The Hague, through whose agency we hope to see the third Conference summoned for 1915, would carry with it such diplomatic and financial prestige that even a Huerta or a Carranza would find it difficult to resist.

The mediation of the United States, Mexico and Brazil has closed the doors of the Temple of Janus in Central America; and at the present time a most interesting and unprecedented

attempt is being made by the A. B. C. powers both to muzzle the dogs of war between the United States and one faction of the Mexican people, and to mediate between the opposing parties within Mexico itself. This attempt and its acceptance by the parties at issue has been hailed with joy by Latin America, and by the cordial approbation of the rest of the world; it has put an end to anti-American demonstrations in Mexico City, which were caused by the display of brute force, has secured the release of American captives, and has produced a more genuine belief in the sincerity of the United States' advocacy of international pacifism than has any other recent event in its history. How much greater would have been the immediate results, and how much more assured would have been, not only peace between the United States and Mexico, but the solution of Mexico's political problem, if this mediation had been offered by the entire family of nations through its agencies at The Hague!

Special mediation, which was the contribution to international procedure by a citizen of this Empire State, the lamented Frederick William Holls, has never yet been resorted to since its cordial endorsement by the First Hague Conference. Personal ambition appears to be too predominant an issue between Huerta and Villa or Carranza for special mediation to offer much hope of a solution of the problem between them; but in case of war between the United States and Mexico, and in many another trouble arising out of some phase of the Monroe Doctrine, the utilization of this device would be peculiarly appropriate and probable of success.

International commissions of inquiry, one of which was applied with such admirable result to the dispute between Great Britain and Russia in regard to the incident of the Dogger Bank, have been resorted to by Mr. Taft and Mr. Bryan in most suggestive fashion. Mr. Taft's general treaties of arbitration in 1911 with Great Britain and France went far toward converting such commissions into a veritable international grand jury designed to bring just such cases as that of Mexico before the international court;† and Mr. Bryan's arbitration treaties, fifteen of which have now been negotiated, rely upon these commissions both for securing a delay before a resort to arms, during which cool deliberation may replace hot passion, and for ascertaining by impartial inquiry the exact truth in regard to international disputes. Such a commission of inquiry, especially if appointed under the auspices of The Hague, could have been used with great promise in the investigation of the blowing up of *The*

† Cf., an address by the author on "The International Grand Jury," at the Second Annual Meeting of the American Society for the Judicial Settlement of International Disputes, 1911; republished in "The New Peace Movement," Ch. VI.

Maine in 1898, and in the present Mexican trouble both for ascertaining the real condition of affairs in Mexico when Huerta took Madero's place, and for ascertaining whether or not Admiral Mayo's gasoline launch carried or did not carry the flag to Tampico.

The last and greatest step in the assumption of the responsibility for the Monroe Doctrine by the family of nations at The Hague will be taken when the Permanent Court of Arbitration, or, better still, the Court of Arbitral Justice, to which this Conference is heartily committed, shall follow the example of the Central American Court of Justice and by a writ of *quo warranto* or an interlocutory decree shall summon belligerent nations and revolutionary factions within a nation to show cause why they should not be held responsible to the family of nations as a whole for their belligerency or factionalism. The immeasurable power of international public opinion which would sustain such judicial action would probably be as potent in its peaceful acceptance as has been the case with the scores of arbitral awards which have been handed down by far less majestic tribunals. Should armed force be ever necessary in sustaining such verdict, it would be supplied by a genuine international police force, acting in the name and under the orders of the courts of the entire family of nations. No "punitive expeditions," such as have been the fashion in Central Asia and as are being undertaken at Vera Cruz; and no "joint expeditions" such as marched into Peking and exacted from China "indemnities" so extravagantly enormous that our own government, at least, had the good grace or the good conscience to restore three-fifths of what it had secured; but a genuine international police force, enforcing genuine international justice, under genuine international law.

Thus many and admirable are the vehicles of the internationalism of our time; their motive power must be the determined will of the peoples to use them. In this creation of the popular will, *Nil desperandum* must be our motto. Who would have believed in 1864, when Mr. Thomas Balch, of Philadelphia, began to advocate the arbitration of the *Alabama* claims, that within eight years the Geneva Tribunal would have settled the ominous dispute by that apparently utopian means?‡ Who would have dreamed in 1891 of the First Hague Conference and of the possibility of its epoch-making work? Who would have ventured to prophesy in 1899 that within eight years nearly all the measures of the first Conference would have been put into operation with such extraordinarily beneficial results, and that a second

‡ Cf., Thomas Balch's "International Courts of Arbitration," 1874, fifth edition, with introduction and notes by Thomas Willing Balch, Philadelphia 1914, p. V.

Conference would be held to carry still further the work of the first?

Applying these peace-making measures of The Hague to the successive steps of our present difficulty with Mexico; it is plain to be seen how this difficulty could have been avoided.

The new Monroe Doctrine led us to refuse recognition to Huerta. "Recognition," since it is the affair of the entire family of nations, should be accorded or withheld, not by the nations acting separately, but collectively; and recognition of Huerta should have come in this way after an international commission of inquiry had carefully investigated the *status quo* in Mexico and reported upon the *de facto* government, with which alone international law concerns itself in the matter of recognition.

The new Monroe Doctrine led *our* ships to be on guard in Mexican waters, although the interests of many nations were involved, and thus caused Mexican hostility to be concentrated upon *our* marines, merchants, exploiters and travelers. This difficult police task with all of its burdensome consequences should neither be assumed by nor imposed upon the United States alone.

The custom of permitting rear admirals to exercise diplomatic powers permitted Admiral Mayo to demand a salute to our flag from a pseudo-government whose right to exist we had not recognized. He should have left such a question in the hands of the Department of State; and the Department should have either declined to accord indirect recognition to Huerta by demanding from him a salute, or determined to sustain the honor of the flag in some more rational way than by using real force against an unrecognized government for a fictitious affront. Some rational action would doubtless have been taken by our government if it had not been drawn into playing the game of Huerta by a rear admiral's exercise of discretionary power, and if it had not been for the dark shadow of the Monroe Doctrine, which is cast over our entire dealings with Mexico and Latin America.

Our insistence upon our own national enforcement of what are international rights and duties has frequently led us in the past, and bids fair to keep us constantly engaged in the future, in a wildly Quixotic, extravagantly sentimental, and universally dangerous picking of other people's chestnuts out of the fire. The Monroe Doctrine, when issued in 1823, was characterized as a new Declaration of Independence; we need now still another declaration of independence from the carrying on our own national shoulders alone of what has become even more than the white man's burden, and which pertains to all mankind. Especially do we need a new Declaration of *Interdependence*, and the whole-hearted acceptance of the spirit and the tools of the new

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internationalism which have been created by the entire family of nations at The Hague Conferences, in which our own American leadership was *facile princeps*.

When the Latin American republics declared their independence, and the Monroe Doctrine was issued in their defense, George Canning proudly boasted: "I have called a New World into existence to redress the balance of the Old!" The United States to-day may truthfully claim that it has done much at The Hague to bind the Old World and the New together and to balance national rights by international duties. Let us live up to this high standard, and pledge to its attainment our lives, our fortunes, our sacred honor, and even our cherished "Monroe Doctrine." (Applause.)

The CHAIRMAN: We shall now have the pleasure of a discussion of the subject of "An International Court of Claims," by Hon. FRANK C. PARTRIDGE, of Vermont, former Solicitor for the Department of State, and former Minister to Venezuela.

AN INTERNATIONAL COURT OF CLAIMS

ADDRESS BY HON. FRANK C. PARTRIDGE, LL.D.

The subjects which Professor Hyde has discussed and which I am going to discuss are somewhat similar. I did not know in advance his purpose and I am sure he did not know mine; but the fact that the subject has appealed to him strengthens my conviction that there is a possibility in its development.

The consideration of the settlement of pecuniary claims must of necessity be somewhat of a foot-note to the main discussion, but I have undertaken that task because I see in it a practical step towards those larger things to which we aspire.

We hope to see ultimately the establishment of a real international supreme court. How fast we can travel on that road, and in particular what progress we can hope for at the next Hague Conference, is a practical question. We may not be opportunists in most things, but where we need the unanimous agreement of almost fifty nations we are largely controlled by practical possibilities. The peaceful solution of international disputes must be promoted, I believe, at the Third Hague Conference along any line which after due consideration appears to offer possibilities for practical results.

So far, one of the most important results of the peace movement is the general existence of treaties to arbitrate certain classes of future international disputes. There is, however, an inherent weakness in such agreements. They are not self-executory but ordinarily require the parties to come to a new special agreement each time when the occasion for arbitration arises. That in the midst of any great public excitement is almost im-

possible and in the case of any question of moment is apt to be difficult. Between individuals an agreement to arbitrate future disputes, it may be said generally, is not legally binding, and there seems to be a regrettable tendency among many to regard such an agreement between nations as not morally binding. The reluctance of a considerable body of citizens in our own country to acknowledge the existing obligation of our government to arbitrate the meaning and effect of the Hay-Pauncefote Treaty in the present Canal tolls controversy emphasizes how little absolute safety there would be in ordinary arbitration treaties in times of real stress. Questions of peace or war are largely controlled in every country by public opinion. Public opinion always means to be patriotic, it often tries to be fair, but it is seldom well versed in the significance of international obligations and international duties. Upon the state of public opinion at the time more than upon the obligations of some general arbitration treaty depends whether an important controversy is submitted to arbitration and peaceful solution.

Agreements among individuals to arbitrate their future disputes would fall far short of insuring the peace of society. That depends upon courts before which the complainant can summon the party complained of. It is really a long step but a very necessary one from an agreement to arbitrate to an agreement to permit one's self to be sued, but we shall not have a firm foundation for the peace of the world until nations like individuals can sue each other. Every step towards the establishment of the principle of compulsory adjudication of international disputes will be a positive gain. Practically the most hopeful field in which to begin such steps are those classes of questions least likely to arouse popular feeling or to be affected by notions of national honor or vital interests.

Pecuniary claims in behalf of citizens or subjects often rest upon an uncertain basis of facts and require an impartial investigation to determine their merits. They are peculiarly suited to judicial determination and probably could be made the subject of compulsory adjudication long before public opinion will be ready to submit to the decision of more general questions in that way. The establishment of a permanent international court of claims for the compulsory adjudication of international claims of a pecuniary nature in behalf of nationals presents therefore a possible line of progress for the next Hague Conference. It would have this advantage from which to start, that most nations are bound by general arbitration treaties to submit such claims to arbitration, since they are not usually excepted in such treaties.

Much time of the Department of State and of Ministries of Foreign Affairs is taken up by the consideration of pecuniary claims. The first law officer of the Department of State was

originally appointed to examine such claims. As his work gradually broadened into the more general law work of that Department, he came to be familiarly known as the Solicitor of the Department; but until about 1891 his legal title was only that of "Examiner of Claims for the Department of State." Anything that will tend to expedite an authoritative disposition of such cases would be a great relief to those responsible for the conduct of foreign affairs, and would conserve their energies for more important things.

Happily these claims are usually unaccompanied by great public interest or excitement and thus they the more readily lend themselves to peaceful solution. If undisposed of, however, they never die and claims dating back for fifty or even a hundred years are not unusual. Back of every such claim there is always a private interest and private interests are always powerful for or against public peace. The unsatisfied claimants and their friends nurse their grievance and easily become elements for the creation of discord with the offending country. Unadjudicated private claims are peace disturbers.

We are accustomed in this country to see a state or a nation summoned before a court to answer a private complaint. Many of our states in some form and for some purposes permit themselves to be sued in their courts. The United States maintains at Washington a great Court of Claims of highest standing which devotes itself to the consideration of claims of a pecuniary character against the government of the United States.

What hope is there in the work of the Second Hague Conference that nations will consent without a special agreement in each case to submit all pecuniary claims to an international court? Its unanimous admission of the principle of compulsory arbitration encourages the hope that there can be found a range of subjects in which that can become a unanimous practice. Its action respecting the limitation of force for the recovery of contract debts claimed as being due to nationals, precludes the signatory powers from enforcing contractual pecuniary claims except by means of arbitration, and in effect gives the nation complained of the right to appeal to an arbitral tribunal. The next natural step is to include claims arising out of tort as well as out of contract.

In the proposal for the establishment of an International Prize Court the Second Hague Conference adopted the principle of compulsory adjudication. Before that court, if established, a nation might be summoned of right the same as an individual may be summoned before a municipal court. With this precedent for a real international court and with the action taken with respect to contractual claims there is much in the program adopted at the last Conference, though it has not been carried out,

to encourage the hope that some provision might be made for the compulsory adjudication by a permanent court of all kinds of claims for pecuniary damages on behalf of citizens and subjects.

In the Central American Court of Justice we have an existing international court before which any of the Central American states may summon any other "in all controversies," to quote the Treaty, "of whatsoever nature and no matter what their origin may be." The Treaty creating this court not only gives the right to sue a nation but it calls the right by that name and speaks of the "government sued" and the time when a "suit" is instituted against any one or more of the states. This court is even given jurisdiction in suits of citizens of one state against another state "no matter whether their own government supports the claim or not." Its powers thus extend beyond the judicial power of the courts of the United States over the individual states of the Union, for while one of the states of our Union can sue another, the right of the citizen of one state to sue another state was denied by the Eleventh Amendment to the Constitution.

The more general practice of nations now, where such claims cannot be diplomatically settled, is to let them accumulate to the injury of claimants and the nuisance of international relations until their number on each side drives the two countries to make a special agreement to submit them to an arbitral tribunal. Such agreements often specify the particular claim or claims which are to be thus determined. On the other hand they have not infrequently agreed that either government might submit any pecuniary claims. As our presiding officer in his opening address pointed out, our Claims Convention with Great Britain of February 8, 1853, and the same may be said also of the provisions for a Claims Commission in the Treaty of Washington in 1871, covered all pecuniary claims which either government desired to present in behalf of its nationals. The Claims Convention between the United States and Mexico of July 4, 1868, between the United States and France of January 15, 1880, and between the United States and Chile of August 7, 1892, are among others which permitted a general presentation of pecuniary claims. Although our Senate has lately shown a disposition to retrograde in this respect, until recently at least it has not been an uncommon practice for the United States and another government to create a special claims commission before which either might sue the other on account of the pecuniary claims of its citizens. It ought not to be an impossible step to make that practice general and its exercise permanent rather than temporary.

A very significant treaty in this connection is the general treaty for the arbitration of pecuniary claims signed January 30, 1902, in the city of Mexico at the second Pan-American confer-

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ence. By this treaty, seventeen nations agreed to submit to the arbitration of The Hague Permanent Court "all claims for pecuniary loss or damage which may be presented by their respective citizens and which cannot be amicably adjusted through diplomatic channels and when such claims are of sufficient importance to warrant the expense of arbitration." The Pan-American nations stand committed to the obligatory adjudication of pecuniary claims.

The natural process would be that the private complainant should appeal as now to his own government. His government should determine first whether there is enough basis for the claim to warrant its intervention. If there is, it should first present the claim diplomatically in the effort to secure a friendly settlement without litigation. If the case does not lend itself to prompt and acceptable settlement by means of diplomacy it should then be possible for the government of the complaining citizen to bring an action in an international court of proper jurisdiction to require a judicial determination of the right of the complainant to pecuniary damages. Such an international court of claims might be an independent court the same as the proposed Court of Prize, or it might be a department of the proposed Arbitral Court of Justice. The expense and trouble of judicial determination should not be allowed to become disproportionate to the amount involved and that might require some limitation upon jurisdiction and possibly different procedure for different classes of cases.

Any court or other means which will settle peacefully any class of questions between nations will justify itself. A permanent court which would take the place of the numerous temporary claims commissions would justify itself for its own sake and yet its greatest justification would be its educating influence. Every time that any international question can be submitted to a judicial decision rather than an arbitral compromise, every time that any class of cases, no matter how relatively unimportant they may be, can be put in the way of a compulsory judicial determination, we are making progress. What we need is to become accustomed to the right of one nation to summon another nation before a court of justice, just as we are accustomed to it in the case of individuals. The actual operation of the Central American Court of Justice, or of an International Prize Court or of an international court of claims, or any court before which a nation can be summoned will educate the world eventually to the acceptance of the principle that one nation must sue and not fight another. The suggestion of a permanent international court of claims is a modest suggestion compared with our large ideals, but practically its modesty is one of its merits. It is by the suggestion of small practical advances founded on right principles

DISCUSSION

that these Mohonk conferences have won many victories for peace. (Applause.)

The CHAIRMAN: Is there discussion of the subject of the papers of this evening?

REMARKS BY MR. E. H. SMITH

PRESIDENT OF THE CHAMBER OF COMMERCE OF OSHKOSH, WIS.

The papers and addresses of to-day have positively thrilled me, and that is somewhat remarkable because I am not a very susceptible creature. Moreover, I am somewhat of a semi-military man. But the one thing that characterizes these conferences is that we are dealing with a movement, and as long as the movement is going on we need not be discouraged. Although I have no particular suggestion to make coming out of to-day's discussions, I wish to say for myself, and I think for a great many in this audience, that we are greatly indebted to the gentlemen who have spoken. I shall go home a greater enthusiast for arbitration and for peace than I have ever been, and I do believe from the bottom of my heart, paraphrasing Tennyson's wonderful lines—Men may come and men may go, but Mohonk will go on forever. (Applause.)

The Conference then adjourned until the following morning.

Fifth Session

Friday, May 29, 1914, 9:45 A. M.

The CHAIRMAN: The first speaker on the program this morning, one we shall all have pleasure in hearing, is His Excellency, Mr. CALDERON, Bolivian Minister to the United States.

A TRIBUTE TO THE MEMORY OF ALBERT K. SMILEY

REMARKS BY HIS EXCELLENCY, SEÑOR DON IGNACIO CALDERÓN

My object is to say a few words in memory of our beloved friend, Mr. Albert K. Smiley. Much against my will I was compelled to be absent last year when services were held in his memory, and I beg now to be allowed to express my profound sorrow for our loss. No deep and dark shadows darken his grave, but out of it the sweet and cheering light of charity shines, showing us the way of peace and brotherhood.

I remember the last time he was our host somebody asked him, should he be taken away, would these conferences have to stop? Immediately, with cheerful confidence, he answered, "All that has been provided for; the Conference will go on through my brother Daniel, and after him through the younger members of the family," whom he named. How well Mr. and Mrs. Daniel Smiley are conducting these meetings every one of us can acknowledge. (Applause.)

At first the Mohonk Conferences, small gatherings of high-minded men, were subject to the sneers and the insolent criticisms of the cynic worshippers of might and force; but after more than twenty years they have come to be a moral force whose influence is felt not only in the United States, but beyond its boundaries. The Mohonk Conferences have no big endowment, are not backed by any corporate association, but are absolutely the work of the great hearts of the Smiley brothers, whose wise direction has made them prosper. The unselfish ideals and the noble deeds of these brothers are the best assets for any country. Their example has been an inspiration for all that is good and noble in human nature.

When, some seven years ago, I first came to this Conference I was struck, as everybody else is, with the beauty and restfulness of Mohonk. On reaching this house, I saw for the first time Mr. Albert K. Smiley bidding welcome to his guests. The sweet countenance of the dear old man, so kindly and frank,

struck me as harmonizing more than anything else with the charms surrounding this place. In fact, the whole atmosphere seemed to be impregnated with a hearty welcome.

I was no less struck the next day, when the Conference was called to order, to see gathered here in the noble cause of international arbitration the best and highest elements of the public life of America. I saw here gathered justices of the Supreme Court of the United States and of other courts, generals and admirals, presidents and professors of the best known universities, ministers of the Gospel,—in fact, men in all the walks of life, distinguished in their respective callings; and, finally, as a crowning glory of these meetings, I saw, as I see now, a great number of noble women, who are always interested wherever it is necessary to do some work for the benefit and welfare of the human race. (Applause.)

I have had the good fortune of being invited several times to other places to attend meetings for peace and for the improvement of social conditions, and I must say that everywhere and always I found something of the same earnest and strong sentiment for justice and respect for the sovereignty of the people. No man who has had an opportunity of following with an open mind these various manifestations of public sentiment in this country can fail to come to the conclusion that it is strongly in favor of justice and the respect of the rights of other people! (Applause.)

It is true that there are not wanting some ultrapatriots and a good number of sensational papers that preach the gospel of imperialism and for whom the greatest achievement of the United States would be the subjugation of all this continent for their own benefit,—and then they would soon be clamoring for the possession of the whole earth, as they are now shouting, “All aboard for Panama!”

Ladies and gentlemen, this country has grown out of the seeds of freedom; it represents in the world the most advanced and great ideals of civilization and progress. Its fundamental characteristics are justice, equality and the happiness of the people. He cannot be a true American, proud of his country and faithful to its noble traditions of justice and right, who is willing to bring it down to the level of an international interloper ready to build its own fortune by trampling down the rights and life of other nations.

America represents politically very advanced and broad principles. We are concerned here with the welfare of the people in general. We have no class distinctions, unless it be the children and the ladies! (Laughter and applause.)

It is true that some of the American republics are still under the throes of military despotism, but that is the outcome of

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ignorance and very often the work of speculators who go to these countries and connive with the worst elements in order to obtain concessions that may be very profitable to them, but, as a rule, are detrimental to the countries they exploit. It is not by means of war and force that the evil can be cured; there is no other remedy than the spread of education. We could pay no better tribute to the memory of our beloved friend than to help the missionary crusade of education and organize a systematic fight against illiteracy and all the evils thereof.

The troubled condition in which our sister republic of Mexico finds itself at present, threatening the peace of the country, is to my mind a proper field for a crusade of education; and in this connection, it seems to me fortunate for this country that in this crisis stands at its head a man actuated by the highest and loftiest American inspirations, and strong enough to see to it that there is no opportunity missed to bring relief to the distracted country.

Would that his generous efforts and the influence and the good will of all America give relief to the unhappy land! I wish from the bottom of my heart that the terrible storm gathering around will break away in a glorious rainbow of peace and quietness! (Applause.)

The CHAIRMAN: Our next address will be by Dr. GEORGE GRAFTON WILSON, Professor of International Law, Harvard University, and Lecturer on International Law at the United States Naval War College.

THE PROMOTION OF INTERNATIONALITY THROUGH ARBITRATION AND JUDICIAL PROCESSES

ADDRESS BY GEORGE GRAFTON WILSON, LL.D.

The masterful review of the development of arbitration and of the present situation, presented in the president's opening address, makes it unnecessary to go into certain phases of the matter; for anyone who views the progress of arbitration must view it through the eyes of the president of this Conference, whose volumes are the greatest contribution ever made to the promotion of arbitration. (Applause.)

The spirit of nationality was a powerful force in determining the political development of the nineteenth century. Peoples had been forced by the Napoleonic policies to become conscious of their common interests. During the nineteenth century nationalities took form in political unities as in Greece, Italy and Germany. *The Hetairia Philike*, a secret society founded at Odessa in 1814, had for its object the embodiment of Greek nationality in political form. The task seemed well-nigh impossible, but a few years later—October 20, 1827—occurred the battle

of Navarino, of which Metternich said, "for Europe, the event of October 20th began a new era." This era might be called the era of nationality, the spirit of which was, in 1848, to cause the once powerful Metternich himself to secretly escape from the palace where his word had so long prevailed. This might seem long ago if it were not that the present Emperor of Austria came to the throne a few months later in the same year. After that time nationality became a word with which political leaders juggled and statesmen wrought. Both often mistook the political embodiment of nationality for an end, when it could be only a means to an end; viz., the well-being of the nationals. The failure of the old contention for the precedence of empires and kingdoms over republics, and the development of the doctrine of the equality of states as such particularly marked the nineteenth century. Responsible local political unities must exist in order that the larger unities may function effectively. The embodiment of nationalities in responsible, well-defined and recognized political unities made possible the development of internationality. As the development of nationality rested upon the unfolding of the spirit of nationality, so the development of internationality must rest upon the development of the spirit of internationality. Naturally this development will appear early in the economic and social relations among states.

The Geneva Convention for the amelioration of the condition of the wounded in armies in the field was framed in 1864, was simple in its subject matter, and appealed to the spirit of humanity. International postal conventions soon followed and economic and other general international agreements relating to non-political matters were negotiated.

The Czar's rescript of August 24, 1898, tentatively proposing the calling of an international conference, gave as a basis of his hopes for its success what he felt had been the sentiment for the twenty years preceding as shown "in the consciousness of civilized nations." It is true that this rescript emphasized the maintenance of peace through the "possible reduction of the excessive armaments" and gave a prominent place to the economic reasons for such action. The Czar, in a later circular of January 11, 1899, submitted as provisional topics for "international discussion:" (1) Limitation of armament; (2) Restriction of certain arms; (3) Limitation of certain explosives and projectiles; (4) Prohibition of certain types of boats; (5) Adaptation of Geneva Convention to maritime warfare; (6) Neutralization of certain vessels; (7) Revision of laws for land warfare; (8) Acceptance of principles of mediation and arbitration. From The Hague Conference of 1899, at which representatives of twenty-six states were gathered, there resulted as its pre-eminently constructive work the Convention for the Pacific Settle-

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ment of International Disputes. The item which had been last in the provisional programme thus became the first convention. This convention made provision, though admittedly imperfect, for international arbitration as one of the pacific means for settling international disputes, and the arbitrators were to act upon a "basis of respect for law."

The requirements of the Convention for the Pacific Settlement of International Disputes of 1899 providing for a list of judges, and an administrative bureau and the method by which the nations of the world could resort to The Hague for the settlement of their disputes were met in January, 1901. The organization was ready; international disputes existed; but confidence in the plan to refer such international disputes to The Hague tribunal seemed to be lacking. There were no cases for the court. Fears in regard to national bias of judges, suspicion that the parties would not loyally abide the award, and other doubts were advanced as reasons for refusing to resort to the arbitral tribunal at The Hague. All evidenced an absence of internationality. Even when the United States of America and the United Mexican States, on May 22, 1902, agreed to refer the long standing controversy over the Pius Fund of the Californias to The Hague, many were doubtful of the issue. The parties, however, stated that they were "animated by a strong desire that the dispute so arising may be amicably, satisfactorily and justly settled." The establishment of the court of arbitration at The Hague had provided a means for promotion of internationality. To be concrete, to show how the Smiley aims are being realized, it was the two American republics, the United States and Mexico, which first availed themselves of the new system. The president of the Administrative Council, in welcoming the Pius Fund Tribunal to The Hague, said:

"The great republic of North America and its neighbor Mexico, seeing that no one acted and that an institution which they had labored to found ran the risk of falling into oblivion through disuse, agreed to show to the civilized world that it was not a vain fancy which they had followed in setting up the Court, but that they intended to make of it a living instrument for peace and concord."

The President of the Tribunal, replying to the address of welcome, said that the assembling of the Court represented the first fruits of the action of the Powers in providing for the Court of Arbitration at The Hague, and in a doubtful tone added that the fruits were also a little unripe, rather insignificant, and that one swallow would not make a springtime. He expressed a hope that The Hague might more and more become the seat of international justice and a fireside of peace whence might shine out the rays of cordial good will among the nations.

The replies of the American and Mexican agents were more optimistic than that of the President of the Court. Each expressed a hope that this Pius Fund Arbitration would be a case that would serve as an example of the methods of settling disputes which would more and more be followed.

The Court itself was international, Great Britain, Russia, Denmark, and The Netherlands being represented among the judges, and no national of the United States or of Mexico being named. It was proper that in rendering their decision the President should say that while their judgment might not be infallible, they had sought conscientiously, impartially and with all their power to know the truth. Both parties to the controversy unhesitatingly accepted the award of the tribunal.

Just one year from the date of the closing session of the Court sitting upon the Pius Fund case occurred the opening session on October 1, 1903, of the Court sitting on the Venezuela case. The reference of this case to The Hague was suggestive as manifesting the confidence of the nations in arbitration as a substitute for war which had already begun. There was reason why the eminent President of this Court, His Excellency Mr. de Mourawieff, quite unlike the president of the previous time, should say at the opening session:

"It seems to me almost superfluous at this solemn moment to draw the attention of this illustrious assembly to the deep significance of this new manifestation of the world's judicial action, which has become permanent and regular since the day when the nations of the civilized world, in promulgating The Hague Convention, proclaimed equity as the supreme ideal arbiter of their differences, if not of their destinies. And what more, indeed, could one add to this superb evidence, except that we note with profoundest satisfaction the daily increasing sympathies of entire peoples and of the elite of human societies for the generous thought of international arbitration—that faithful organ and mighty rampart of peace—that we are happy to have been selected to advance one more step onward in the progressive march of this pregnant and living principle, through the thorns and brambles of a newly opened way, in spite of the many obstacles that are scattered in its path." This is from the report of Judge Penfield, who almost immediately after that trial appeared here and presented the remarkable work that had been done.

In this case again no national of the parties to the case were upon the board of judges. In this case many states were involved—Germany, Great Britain, Italy, Venezuela, Belgium, Spain, United States, France, Mexico, Netherlands, and Sweden and Norway.

About one year from the closing of the session on the Vene-

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zuela case, another case was brought to the Court. This related to the leases held by aliens in Japan commonly known as the Japanese House Tax case.

The parties to the first case had been American. The parties to the second case had been American and European. The parties to the third case were European and Asiatic. The circuit of the world had been made and the internationality of the Court could hardly be denied.

As one surveys the *compromis* in accordance with which the Japanese House Tax case was brought to the Court and finds the wording in German, French, English and Japanese languages, the internationality of the cause is plainly evident.

Other cases have followed touching many subjects from the right of Muscat dhows to fly the French flag, to claims of Italians for loans made in Peru; from North Atlantic fisheries dispute between the United States and Great Britain, to the interest on indemnities due from Turkey to Russia.

In all since the first case at The Hague there has been an average of one case each year before the Court. Six of the tribunals have each consisted of three judges and six have each consisted of five. Twenty-eight different judges, nationals of seventeen different countries, have sat upon the tribunal in the twelve cases decided in the twelve years since the first case in 1902.

The number of the cases, the scope of the subject matter of the cases, the range of the *compromis*, the constitution of the court, and the nations represented before it pursuing rights involving Europe, Asia, Africa, and the Americas, from United States to Japan; from Peru to Norway and Sweden, North and South, furnish sufficient evidence to establish the fact that during the early years of the twentieth century internationality has in a marked manner been promoted through arbitration.

The problems before the Court have often been complex, for in the premises they must have been too difficult for solution by diplomacy. The President of the Court in the North Atlantic Fisheries arbitration shows this in addressing the Counsel after the last argument had been put in, saying to these gentlemen, some of whom had spoken for days:

"You have led us through the maze of a hundred years of diplomatic correspondence, through the jungle of entangled statutes, through the dark forest of almost metaphysical problems, in which it was sometimes difficult to see our path, up to the summit of the mountain, where we hope we may see the problem we have to deal with in the light of truth and of justice.

"I thank you all for the most valuable assistance we have had from your speeches, for the courtesy you have shown us and especially for the courtesy you have shown to one another. I am sure that the chivalrous spirit in which you have treated the grave controversies existing

between your countries will facilitate us to come to a just and happy solution of them.

"It is with regret that we take leave of you, who have been our friends and our guides in this long and sometimes laborious journey."

The spirit of internationality is certainly evident in all the President says.

These contributions of arbitration toward the spirit of internationality have been so great as to stimulate the wish for even greater things. The Conventions of 1899 and 1907, under which all of these cases at The Hague have been decided, bear the modest title of Convention for the Pacific Settlement of International Disputes, and properly so as they relate to mediation and commissions of inquiry as well as to arbitration. What has been accomplished under these provisions has stimulated the desire for a court on a somewhat different basis. There is no doubt that the character of the judges has been an important question at The Hague thus far. The judges have dignified the Court and have made it international. Some look for a court which shall dignify the judges and make them international. There is a desire for a court whose sessions shall not be special, a court the expenses of which shall not be borne solely by the parties in dispute. It is not necessary that this proposed court supplant the existing Tribunal of Arbitration. Mr. Root, whose experience in diplomatic affairs and before the Hague Court would give his words weight, said some years ago:

"What we need for the further development of arbitration is the substitution of judicial action for diplomatic action, the substitution of judicial sense of responsibility for diplomatic sense of responsibility. We need for arbitrators not distinguished public men concerned in all the international questions of the day, but judges who will be interested only in the question appearing upon the record before them. Plainly this end is to be attained by the establishment of a court of permanent judges, who will have no other occupation and no other interest but the exercise of the judicial faculty under the sanction of that high sense of responsibility which has made the courts of justice in the civilized nations of the world the exponents of all that is best and noblest in modern civilization."

The feeling which had become increasingly strong among the great nations took form in 1907 in the proposed Convention for the Establishment of a Judicial Arbitration Court or a Court of Arbitral Justice. The title may be unfortunate, but the idea of establishing a court of justice for certain cases which might be regarded as unsuited to the Permanent Court of Arbitration was approved. It was clearly recognized, as stated by the President of the Commission having the matter in charge at The Hague in 1907, that there were differences among nations which might best be settled by arbitrators, while other differences were rather within the field of judicial decisions. Many political questions might yield to arbitration and might be as His Excellency

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M. Bourgeois said, "the very ones for which arbitrators are necessary rather than judges." M. Bourgeois, who was one of the warmest supporters of the Permanent Court of Arbitration, said in 1907, when discussing the proposed international court of justice, and speaking for France:

"We hope for and will hail with joy the day when, near the Court of 1899, or better, at its home, and perchance by it, there may be established a permanent tribunal for questions of a judicial nature, under such conditions that the smallest as well as the greatest states will find there equal guarantee for defining and safeguarding their rights."

Though the effect of arbitration in promoting internationality has been great, there yet remains the further work of strengthening the foundations of internationality by securing the reign of law which must rest upon the sanctions which will establish and uphold an international court of justice. (Applause.)

The CHAIRMAN: I now have the privilege of presenting to you Mr. JOHN MURRAY CLARK, of Toronto.

SOME LESSONS FROM THE WORK OF THE SUPREME COURT OF THE UNITED STATES AND THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL OF THE BRITISH EMPIRE.

REMARKS BY JOHN MURRAY CLARK, M.A., LL.B., K.C.

When in 1905 I first had the honor of attending the Lake Mohonk Conference, I ventured to suggest that if the Conference could perpetuate the conditions along that boundary, so eloquently described last night by my friend the Honorable W. L. Mackenzie King, and in the Great Lakes under the Rush-Bagot agreement, it would more than justify its existence. It is to me a very peculiar pleasure that, largely through the instrumentality of the Conference and the untiring efforts of Mr. King, it is now certain there will be a fitting celebration of the hundred years of peace between the British Empire, of which Canada is proud to form a part, and the United States.

Formal treaties of arbitration may well be advocated by those who in all nations are endeavoring (to use the eloquent language of M. Bourgeois, one of the French delegates to The Hague Conference) to bring the future of humanity under the majesty of law. Yet we must ever bear in mind that in the last analysis the cause of peace depends on the gradual development of the sense of justice, of respect for the rights of others, and of reverence for law.

An international court of arbitral justice marks a distinct and

important step in the advancement of civilization. The supremacy of law is a fundamental condition of true liberty, and the extent to which the law is supreme is an unfailing test of the degree of civilization to which any country has attained.

I dissent from the opinion of the philosopher who said that after all the best form of government was an absolute despotism tempered by assassination. We must, however, bear in mind that respect for law is a matter of slow growth and the result of centuries of struggle.

The legal right to trial by battle, at the election of the appellee, declared to exist in 1818 by Lord Chief Justice Ellenborough, was only formally abolished by statute in 1819. The universal rule of equal law cannot be taken as a matter of course, and can only be maintained by constant vigilance and effort. Otherwise the forces of lawlessness and barbarism will make themselves felt, and we must not take it for granted that true liberty founded on law will be continued unless the struggle is also continued.

Scientists tell us that in evolution there is always a danger of reversion to inferior types. So in matters of government there is constant danger of the usurpation of arbitrary power, and against this Kipling uttered a timely warning when in his poem in the Old Issue he said:

“All we have of freedom, all we use or know,
This our fathers bought for us, long and long ago.
“Ancient right unnoticed as the breath we draw,
Leave to live by no man’s leave, underneath the law.
“Lance and torch and tumult, steel and grey goose wing,
Wrenched it inch and all slowly from the King.
“So they bought us freedom, not at little cost.
Wherefore we must watch the King, lest our gain be lost.
“How so great their clamour, whatso’er their claim,
Suffer not the old King under any name.
“Here is naught unproven, here is naught to learn,
It is written what shall follow if the King return.
“He shall mark our goings, question whence we came,
Set his guards about us as in freedom’s name.
“He shall break his judges if they cross his word,
He shall rule above the law, calling on the Lord.
“He shall peep and mutter; and the night shall bring
Watchers ’neath our window lest we mock the King.
“Strangers of his council, hirelings of his pay,
These shall deal our justice, sell—deny—delay.
“Cruel in the shadow, crafty in the sun,
Far beyond his borders shall his teaching run.
“Sloven, sullen, savage, secret, uncontrolled,
Laying on a new land evil of the old.
“Long forgotten bondage dwarfing heart and brain,
All our fathers died to loose he shall bind again.
“All the right they promised, all the wrong they bring,
Stewards of the judgment, suffer not this King.”

INTERNATIONAL ARBITRATION

In this direction splendid work has been done for this country by the Supreme Court of the United States and for Canada and the British Empire by the Judicial Committee of the Privy Council. Both have jurisdiction over states and provinces, each sovereign within the sphere of its authority, and surely the successful and satisfactory exercise of this jurisdiction contains the promise and potency of a supreme court of the civilized world. I do not overlook the important differences which exist between your Supreme Court, exercising the powers vested in it by your Constitution, and our Privy Council, exercising what has aptly been called the infallible justice of the British Crown; and also the differences between each, and any international court that may be established. Nevertheless important lessons may be gathered from the noble history of either of these tribunals.

Your Supreme Court has rendered notable services not only to the United States of America, not only to jurisprudence, but also to the cause of civilization. The fame of your great jurists, of whom I shall mention only Marshall, Story and Brewer, extends far beyond the boundaries of the United States, indeed, wherever the gladsome light of jurisprudence illuminates the path of progress. The presence of such men, or of living jurists whom one could readily name, on an international court would command the confidence and respect of all countries. Time would not permit one to give any detailed account of the notable services rendered to the United States by your Supreme Court, or of the similar services rendered to Canada and the British Empire by the Judicial Committee of the Privy Council.

In Canada there were angry disputes between provinces of different races and diverse creeds, and it was for us most fortunate that there existed such a tribunal as the Judicial Committee of the Privy Council to decide such disputes, as they did satisfactorily.

The presiding judge of the Judicial Committee is called the Lord Chancellor, and it is a curious circumstance that the first Lord Chancellor of Queen Victoria, Lord Lyndhurst, was born in Boston, and the last, Lord Hershell, died in Washington. Some of you have perhaps heard of a certain Boston Tea Party. The daughter of one of the Boston merchants, whose tea was thrown into Boston Harbor, had married Copley, the celebrated painter, and their son, born in Boston, became three times Lord Chancellor of England,—the first Lord Chancellor selected by Queen Victoria.

I wish to add one word in reference to the remarkable address of His Excellency, Mr. Pezet, the Peruvian Minister. In the tribunals I have spoken of, the common law of England is largely administered, but in Peru and Latin America a different system of law prevails. The civil law to which I refer is one of the

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noblest achievements of the human mind. The Roman Empire is gone but Roman law still rules large populations, not by reason of imperial power but by the imperial power of reason.

Private disputes are no longer settled by duel and trial by battle. So may we hope that parties to international disputes will less and less appeal to the awful arbitrament of arms, crying havoc and letting loose the dogs of war, but more and more will appeal to law and abide by the peaceful arbitrament of reason. (Applause.)

The CHAIRMAN: The spirit of internationality for which this Conference stands is illustrated in a happy way by the presence here of the diplomatic representatives of foreign countries, from some of whom we have already heard. It is gratifying now to announce that the diplomatic representative of our ancient sister republic of Switzerland, His Excellency Dr. RITTER, will address us.

COMMERCE AMONG NATIONS THE PROMOTER OF PEACE

ADDRESS BY HIS EXCELLENCY PAUL RITTER, LL.D.

Two years ago Dr. Albert Gobat, the Director of the International Peace Bureau in Switzerland, addressed you in this room. To-day this man is no more. On the 16th of March, 1914, while presiding at a meeting of the Peace Conference then assembled at Berne, he unexpectedly passed away, at the age of 71 years. How highly Dr. Gobat has appreciated his sojourn at Lake Mohonk is proven by his ardent letter, written to Berne from this hotel, and which was published in the official paper of the Peace Bureau, "The Peace Movement," of June 15, 1912.

Dr. Gobat was a prominent Swiss politician, who, during thirty years, served as a member of our parliament. His incessant work in the furtherance of the great idea of permanent international peace has made him known far beyond the borders of his fatherland. As the outward recognition of this effort, the Nobel prize was given him, followed later by his appointment as Director of the International Peace Bureau at Berne, when this institution was considerably expanded, thanks to the generous financial aid from the Carnegie Endowment for International Peace.

The subject assigned me is of interest to me as a man and as a diplomat, but quite especially as a Swiss citizen. For many years the international policy of Switzerland has been eminently commercial. The development of my country offers an excellent illustration of the influence which peaceful conditions exert upon industry and international commerce.

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The cross in the coat of arms of the Swiss Republic which has been in existence these 623 years, and whose early history tells of sanguinary fights against land-grabbing neighbors, to-day has become the emblem of peace.

And if I, representing the ancient though small Helvetic Commonwealth, feel particularly comfortable and happy within your young, flourishing and ever-growing republic, it is because I continually discover new evidence that our two countries are united not alone by friendship, but through many cordial relations and close resemblances.

Both are democracies and federated republics. The Swiss Constitution of 1848 was a conscious imitation of the American Constitution of 1789, with the difference, however, that in Switzerland a deviation was made in the mode of selecting the president.

But if Switzerland paid the United States the sincere compliment of following in her Constitution the wise plans of organization laid down by the fathers of this great republic, the United States returned the compliment, when in 1898 the first American State adopted the initiative and referendum originated in Switzerland.

Economically also resemblances are to be found. In both countries commerce and industries flourish. Switzerland, with a population less numerous than that of the city of New York, has a general trade exceeding, for instance, the commerce of Spain or of the Japanese Empire. To mention but one industry: Switzerland undisturbed by external influences has been able to export in 1912 more than 15,000,000 watches, which means that of all watches entering into the world's trade nearly 90 per cent are of Swiss manufacture.

Three national languages are spoken within the boundaries of our republic—German, French and Italian. The constantly increasing influx of foreigners from neighboring countries presents an immigration problem as perplexing as that which you face here to-day. Neither in Switzerland nor in the United States may any single nation claim to be the ethnological basis of the population. Socially the parallel is striking. The middle class element is predominant. In both countries protestantism is the prevailing creed, but at the same time important catholic minorities exist.

Concerning the general education and public enlightenment Switzerland occupies a place in continental Europe similar to that of the United States in the Western Hemisphere. Switzerland was the first country to open the doors of her universities to women, so that now more than 25 per cent of all the students at our seven universities are women, nine-tenths of them foreigners, mostly Russians.

For a long time my country has pursued pedagogical reform as her peculiar mission. Rousseau, Pestalozzi, Father Girard and Fellenberg were Swiss. Thus it has grown to be a custom, quite flattering to us, that our neighbors in Europe, and even in countries over the seas, send their children to Switzerland for the purpose of studying languages, music and the arts.

Switzerland possesses no coasts, no ports, no fleet, no colonies, nor a standing army. We merely maintain a militia for the sole purpose of defending our neutrality if necessary. The funds appropriated for educational pursuits are twice as large as those for military purposes, yet the Swiss militia has been lauded by the German Emperor, who attended our manoeuvres in 1912. A few years ago our system was even adopted by Lord Richard B. Haldane, then English Secretary for War, as a model for the reorganization of that part of the army known as the British territorial forces.

A glance at the statistics of the world's commerce teaches us that nations of an insignificant military power, such as the Netherlands, Belgium, New Zealand or Switzerland, are compensated for this lack by an unproportionately large share of the world's trade.

All of this argues for peace! But in spite of all efforts made on behalf of this great ideal of humanity, visible results are still very few, as you all are aware. Even a nation like China, which has been living for centuries in profound and apparently undisturbable peace, has been contaminated by militarism as soon as she came in closer contact with Western nations.

Would it not seem necessary to secure a harvest, to plant the seeds of peace a little deeper? Would it not be desirable to instil the high idea of peace into the juvenile mind beginning with the nursery and the schoolroom, in order to make this great principle powerful among the masses?

Furthermore, we should try to make the fine arts our allies—poetry, music, painting and sculpture—for modern art in all its many forms rather incites to war, though often in unconscious manner. This is not new! The Greek and Roman sculptors in their early times were wont to glorify the profession of war and even to-day we look with admiration upon these works of ancient art. *But* are we following in their footsteps to-day when on our public squares we erect monuments to victorious army leaders surrounded by real guns and piles of rusty cannon balls? Could the gratitude of the fatherland towards its heroes of the present times not be expressed in some other more peaceful manner?

Many of you have visited Switzerland. You have stood admiringly and with emotion before the dying lion at Lucerne, hewn out of the living rock by Thorwaldsen, in commemoration

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of the faithful Swiss guard which in 1792 had been annihilated during their defense of the Tuileries at Paris.

To whom would come the idea of bloodshed when at Altdorf he sees the monument of William Tell, the deliverer of Switzerland, coming down a mountain slope, happiness in his eyes, his son by his side and the crossbow peacefully thrown over his shoulder?

What visitor to Switzerland has not seen the Rütli, the historic little meadow in the woods above the blue waters of the Lake of Lucerne, where in the year 1307 the representatives of the Swiss Forest Cantons took that solemn oath to purge their country from the Hapsburg scourge and to make fettered Switzerland a free country? That little meadow, the Rütli, bought 30 years ago by voluntary contributions of all her school children, was presented to the State as an eternal monument of glory.

In every Swiss class-room there may be found a reproduction of a well-known patriotic Swiss monument. It does not glorify one of our numerous victorious battles. It represents a single individual. Not a hero clad in armor, but the modest educator and philanthropist Pestalozzi, gathering about him and protecting in time of war the little orphans. With Pestalozzi's picture, Pestalozzi's spirit enters into the school-room, too!

Could not a similar result be achieved with the idea of peace?

Ladies and Gentlemen, in concluding let me express the hope that the magnificent motto of the Swiss Confederation, "one for all, all for one," may, perhaps, some day become the general principle of all nations of the world. (Applause.)

The CHAIRMAN: We are now to have the privilege of hearing Rear-Admiral FRENCH E. CHADWICK, of the United States Navy.

THE TRUE WAY TO PEACE

ADDRESS BY REAR-ADMIRAL FRENCH E. CHADWICK, U. S. N.

I have always, since I have been a reasoning individual, advocated prevention of disease, instead of cure; hygiene as against medicine. I think that arbitration, once the fires are alight or even well laid, will stop very few wars. It would not have stopped our Revolution, the Mexican War, or our Civil War, the German-French War of 1870, nor the just-finished Balkan War. Human nature is but too often not amenable to a bit. If we really want peace, we must go to the bottom of things and remove the causes of war. Thus the Wilson-Bryan plan is based upon the actual occurrence of difficulty. It begins: "If a disagreement should occur." I propose that we should try

and get down to bedrock and prevent even disagreements and I believe that I can suggest at least a step in that direction.

There are, in my belief, only two real causes of war, and one of these we can never arbitrate. These two are trade jealousy and aspiration toward racial solidarity. This latter will ever work for war until it be accomplished. It is an impulse as constant and as irresistible as gravity. It was this which caused the wars in the third quarter of the last century, which made a real Italy and a real Germany. It caused the Balkan conflagration, the embers of which are still smoldering and ready to blaze again. And it is well to recall, not as against arbitration but as against over-optimism, that it was the findings of a Peace Conference, that of Berlin, from which Disraeli claimed to return with peace with honor, that made this war certain. No arbitration will ever touch such elemental questions. The mighty aspiration for a united Germany which underlay the Franco-German War was too deep in its nature to be touched by any court. Thus in my view it is vain to hope for everlasting peace until racial instincts adjust themselves into real national segregations.

With the other cause—trade jealousy—adjustment is feasible. For this cause we had a direct threat of war by Great Britain against Germany only a little more than two years ago over the Moroccan question. Great Britain at that time certainly would not have gone into arbitration. I think she was all wrong and Germany wholly right in the matter, and the latter had the good sense to settle the subject with France to the advantage both of Germany and England though the latter was so blinded by her jealousy that she could not see how right Germany was, and how to England's own advantage was Germany's action. The whole was a question of trade advantage.

Man is a trading animal. He has traded ever since he has been man, and from very small barter, the exchange of a skin, say, for something to eat, this barter (for this is all that commerce is) has grown to be the greatest of material interests: covering the ocean with steamships, the land with railways, and shuffling humanity to and fro in the search of new ores, new fibres, and new fields of trade. It has caused the development of industrialism until we are mad to make things and to find people who will buy them. This is the interest which dominates the whole world.

In looking over the ways of mankind one will find no altruism in commercial matters. We will sacrifice ourselves individually in many ways, but nations will never sacrifice themselves when it comes to a matter of business. They draw there the line of friendly help. There is no country which does not mulct the products of another in matters of exchange. Great Britain is

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the only one which is even spoken of as a free-trade country. It will perhaps surprise some of you to know that the people of the United Kingdom pay more customs duties per head than do we of the United States. Great Britain, however, has been wiser in the adjustment of her duties than we have been and has freed her manufacturing industries from the burdens we laid upon ours.

But England has been a protagonist in commercial war-waging. Her wars with Napoleon were fundamentally trade wars, and very just ones, as Napoleon's avowed determination was to exclude British trade from continental Europe. Britain has so long dominated the world commercially, that any serious rivalry touches her to the quick, whether it is to her actual injury or not. It is enough to recognize that a rival has appeared to stir her enmity. Thus Germany, which in the present generation has risen from a state of almost peasant type, with a landed aristocracy, to a great industrial state—one of the greatest of the world—is England's present bugbear. And, curious to note, she is but repeating to-day toward Germany what was felt and said in 1859 and 1860 in regard to France, now a bosom friend. Such are the vagaries of nations, as of men and women. This present and prospective rivalry has stirred England to her depths. It is not that she has not increased enormously her trade, but that Germany has increased hers in much greater ratio. Naturally Great Britain feels a more kindly sentiment toward the French Republic than toward Germany, for boiled down to its essence, the fierce competition of Germany is the cause of Britain's discontent. And herein is one of the world's dangers. Germany is increasing its numbers about 800,000 yearly. She has about reached the limit of her ability to provide food for her population off her own land. Great Britain long since passed this limit and is now importing \$1,500,000,000 worth of food yearly. While, in a way courting war with Germany she fears war deeply, for were her imports seriously interfered with, her population would in a few weeks be at starvation point. Driven by this fear she has increased her naval expenditure to \$250,000,000 to face the fleets of the German-Austrian-Italian alliance, about equal in numbers to her own, and has linked up with her ancient enemies, France and Russia.

Germany has lately stirred the Anglo-French association by an increase of her peace army to 800,000 men. But this was done through Germany's fear of Russia and was in no wise directed against France except that France had to be reckoned with as an ally of Russia. This fact of France's alliance with the latter is, as I see it, the great disturbing factor of the European situation. If France were not bound to a hard and fast alliance with Russia, I feel sure that Germany would reduce her arma-

ment. The latter feels that she must be ever ready against Russia, and that she is the only real bulwark against Russia's sweeping over Europe. The question would have been fought out winter before last, when Austria mobilized, had it not been for the German Emperor's unwillingness. For despite the opposite opinion, the Emperor William is strong for peace. I know that he has twice in intimate conversation with two American gentlemen of high standing, said, in the same words to each: "The aim of my life is to end my reign without a war." Germany in general in the winter of 1912-13 disagreed with him. The country, so I was assured by persons of standing in that winter when I was at Berlin, desired war at that moment as being the psychic time for the great venture which it feels must come.

Now how shall such a situation be overcome? I think everyone must sympathize with Russia in her desire to reach the sea. Equally I think that everyone must deplore her constant reaching out over vast spaces of land to do this. Apparently she hopes to absorb Asia Minor with outlets on the Mediterranean, and arrive through Persia at the Indian Sea. If the Sea of Marmora, with its approaches east and west, were neutralized, as is to-day the Suez Canal, it would seem that Russia would have ample ingress and egress to her sea-borne commerce in summer and winter, having already ample outlet for her northern regions in summer by way of the Baltic. The European world is not cringing to-day before Russian power as it did some few years ago, and there should be a concert of powers which should set a limit to her absorption of countries with races entirely alien to her own both in blood and religion. As matters stand to-day she is a terror to the Mohammedan world. This setting a limit to Russian expansion cannot, however, come about until there shall be a reasonable feeling of good-neighborhood established in Western Europe, and in this is involved the more serious part of our study.

From the beginning of the world to 1880, Africa, from the point of view of the white man, was in the main a no man's land. A narrow strip at the extreme northeast had been the cradle of civilization; people of Arab blood had swept over the remains on the northern shore of the ancient Carthaginian and Roman civilizations; the southern end of the continent was in British and Boer possession; certain regions, comparatively mere patches, had long been in possession of the Portuguese, a race itself slightly negroid and very ineffective. France after forty years of warfare had appropriated Algeria and had gone far in the accomplishment of a civilization which is greatly to her credit. The rest of the outlying world had long before been pretty completely appropriated by Great Britain by force of

her energetic merchants. Australia and India were hers, linked to her by the great stepping stones of Gibraltar, Malta, Egypt and Aden, and the isles of the sea were hers in great measure, among them Bermuda and many of the chief islands of the Caribbean. France had appropriated Madagascar with as little show of right as she has lately possessed herself of Morocco. Germany was but finding herself after her victory of 1870 and her unification. The Hanseatic League, but for the devastating wars of the Seventeenth and Eighteenth Centuries, might have done for Germany somewhat as their merchant guilds had done for Holland and England. As it was, however, the potential oversea energies of Germany had lain dormant for generations through her disunion. When in 1885 the great scramble for Africa began, Germany, now a solidified nation, hesitated as to any colonial expansion. She was thus last in the running in this final great appropriation, and, so to speak, found herself severely handicapped by the anticipation of England and France. Notwithstanding, she had some success. Today of Africa's 11,500,000 square miles (an area three and a half times that of the United States), a good third, 3,700,000 square miles (including Madagascar), are held by France; 3,623,000 by Great Britain (if the Anglo-Egyptian condominium be included); 570,000 by Italy; 1,000,000 of the less desirable by Germany; 800,000 by Portugal; 910,000 by Belgium. This means that these countries, which in 1880 controlled but in very small degree the lands of this great continent, now control: France and Great Britain each an area an eighth larger than the United States; Germany an area nearly one-third that of the United States and Belgium nearly the same. Nearly all of this appropriation has taken place in the last thirty years. In addition to such vast seizures, Great Britain has annexed Burma, 169,000 square miles, France Indo-China, 256,000 square miles; the United States the Philippines, the Hawaiian Islands, Guam and Puerto Rico. The great island of New Guinea with its 312,000 square miles, a fourth larger than Texas, has been divided between Holland, Great Britain and Germany. In no one of these cases except that of Hawaii has there been any reference to the wishes of the inhabitants. They are not the possessions of the several owners by any inherent right. They have been taken by the rule of might, and with very little regard to the wishes of any other nationality.

Now in 1911 there came a very peculiar case. We all remember the visit of the Emperor William to Tangier in March, 1905, as a protest against the secret convention between Great Britain and France, which came to light that year, by which Morocco was practically turned over, so far as England was concerned, to France. The result was the Algeiras Conference in 1906,

in which we took part. The decisions of this conference started with the declaration that it was "based upon the three-fold principle of the sovereignty and independence of his Majesty the Sultan, the integrity of his dominions, and economic liberty without any inequality." This convention naturally set aside the secret arrangements made between England and France and between France and Spain looking to the occupancy of Morocco by the two latter countries.

The rest of the story which is but a leading up to my peace proposition shall be made as short as possible, those interested in the whole being referred to Mr. E. D. Morel's admirable account in his book *Morocco in Diplomacy* (Smith Elder & Co., London, 1912), and to my address here two years since, in which I first advanced the idea which I now again bring forward with the hope that it may be developed to a practical working.

To continue: France again announced herself, in a declaration signed at Berlin by Monsieur Jules Cambon and Herr Kinderlen-Waechter, the German Chancellor, on February 8, 1909,

"Firmly attached to the maintenance of the independence and integrity of the Shereefian Empire, being resolved to safeguard the principle of economic equality, and, consequently, not to obstruct German commercial and industrial interests in that country;

And the Imperial German Government pursuing only economic interests in Morocco, recognizing on the other hand that the special political interests of France in that country are closely bound up with the consolidation of order and internal peace, and being resolved not to impede those interests;

Declare that they do not pursue nor encourage any measure of a nature to create in their favor or in that of any Power an economic privilege, and that they will endeavor to associate their nationals in affairs for which the latter may obtain a concession."

These are the sentiments which I propose that we shall endeavor to see applied to all such regions. My proposition is that this wise and beneficent stand taken as to Morocco should, if it be possible to bring it about, be taken for all the vast regions which have passed out of native control since 1880. This would bring into accord with the Franco-German Convention of 1911 respecting Morocco, all of Africa excepting Cape Colony to Transvaal, Algeria, Liberia, the Portuguese territories and some minor possessions of some of the Powers on the West Coast; it would throw open to equality of trade nineteen-twentieths of the continent, an area three times that of the United States, with a population of about 120,000,000. It would include the Philippines, Puerto Rico, New Guinea and other smaller islands and regions. The opening up of such an area to equality of trade would go an immense way to soothing international jealousies and hatred; it certainly would leave no cause of complaint to Germany, or bring any to Great Britain.

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It may be laid down as an irrefutable proposition that no country has a right to seize a region belonging to a people whose only fault is a backwardness in civilization, without making the benefit of such people the first consideration. Thus we have no right to exploit the Philippines as an adjunct to our own fiscal policy; Belgium has no right to exploit the Congo State without making the happiness and well-being of its black inhabitants a first aim. So far was this not so under King Leopold's administration over this vast district, three and a half times the size of Texas, that the best authorities estimate that the population was reduced from twenty to eight millions. Twelve millions of people were thus sacrificed to greed; a greater destruction than that of all the wars in the last two centuries.

I think it also may be laid down as axiomatic that no stronger country has a right to fence in such regions, which in a way are the world's commons as their own special commercial reserves. Were the United States, China, Japan, and I think I may add Russia, Sweden, Denmark, Holland and Austria, consulted in the partition of Africa? Was any country outside their own conspiracy (for it was a conspiracy) considered by England, France and Spain in the question of the occupancy of Morocco? Can the inherent right of every country to go and trade in such regions on equal terms be taken away by such conspiracies or by any other international arrangements in which all the countries have not a voice? I say No. The logic of the situation is that all such regions equal, as said above, in area to more than two and a half that of the United States (I speak only of seizures since 1880) should be open to all men to trade on a common footing. Such internationalization would take away (I beg to repeat, for it is the *piece de resistance* of my argument) the most potent cause of war. A fundamental cause of complaint in any community of men is disparity of treatment; equally, such disparity is the cause of ill-feeling among nations.

Why, then, if America is a believer in peace, in justice among nations, in doing justice to all people, backward or not, should we not begin with the Philippines and Puerto Rico and show an example to the world of fair and right dealing, to make a reality of that which is so often on our lips,—the Open Door? For our talk of the open door has been mere lip-service, a mere profession; let us make it actuality. We can thus go before the world and ask with reason like treatment, say in Manchuria and in other vast regions now developing into world markets. Such treatment is, as mentioned, an acknowledged right already in two African regions, Morocco and the Congo State; let it be extended to all lately occupied.

I have omitted to say anything about a very special region which is going to be one of the ganglions of the commercial world; the Panama Canal Zone. This, to my mind, should as a matter of our own national self-interest be thrown open to absolute free trade. The effect would be the same as at Hong Kong, only in much greater degree. It has made Hong Kong one of the greatest and richest ports of the world; it will do the like for the Canal Zone. If we know our own interests; if we want to extend our commercial influence in Central and South America, this should be one of our first, as it would be one of our greatest, steps. I hope we can develop sufficient large-mindedness to compass it.

I recognize that the proposition I bring forward to internationalize trade, to put all nations on a footing of economic equality in the regions mentioned, is a difficult one to bring into actual practice. The Congo State, for instance, so internationalized at the Berlin Congress, is an example, notwithstanding, of its administrators putting difficulties in the way of equal treatment; but the thing can be done. There will be no difficulty, I believe, with England or Germany; there will be much with France and possibly Italy. France especially has made trade, for any but her own nationals, very difficult; the opening of Morocco after her occupation was forced upon her. There would have to be an international board to which complaints could be carried and in which decided. Such a board, and it should be one of business men preferably to lawyers, should have a general supervision of the whole subject and very large powers. After all, it is but an extension of the "most favored nation" clause which exists in all commercial treaties which can be regarded as applied not by the nominal owners but by the real owners of the country which the former has only seized.

I repeat: let us ourselves take the first step, as mentioned, in the Philippines, Puerto Rico and the Canal Zone, and thereby signalize ourselves as real well-wishers to world peace and not as mere theorists; cover ourselves with honor and spread well-being. And as a final proposition; why should not this association take it upon itself to urge such a measure upon the President, upon Congress, and the Department of State? (Applause.)

The CHAIRMAN: I am now happy to present Mr. A. B. FARQUHAR, of York, Pennsylvania, delegate of the Chamber of Commerce of the United States and of the National Association of Manufacturers, and spokesman selected by delegates present here from more than forty chambers of commerce and boards of trade in leading cities of the United States and Canada.

BUSINESS MEN'S REPORT

BUSINESS AND WAR

REMARKS BY A. B. FARQUHAR, LL.D.

Our business men's meetings, held here during the past two days, have taken more interest in the work than ever before. They have been large and enthusiastic, and I believe will accomplish a great deal of good. The statement of results prepared will be read later. Certainly the business men of this country are as much or more interested in the cause of peace than any other class of people, for they greatly suffer on account of wars. In the old times there were tricks in trade, the standards of business were not very high; but now I think no class is more strictly honest and with ideals higher than the business men of the world, especially those of this country. I find my business friends more or less indifferent when discussing questions purely of business, but as soon as the subject turns upon affairs of public interest they become keenly alive. We realize our own interests largely depend on the welfare of the country and of the world. The world is so bound together we might as well have one great central bank, because our finances are controlled just as much by conditions in Europe and elsewhere as in our own country. If our discount rate goes up here it goes up abroad, and if money is tight abroad business is depressed here.

The Bulgarian war has thrown at least one hundred thousand men in this country out of employment. We are not suffering so much from changes in tariff and currency and from legislation as from the loss of half a million men in the Bulgarian war and the consequent loss of many of our customers, together with the vast amount of money lost. South America has suffered enormously on account of this war, as has the whole world. We suffered for fifteen years after our Civil War. The heaviest loss of the late Balkan war came of the allies fighting among themselves. There was no occasion for this. Had the so-called civilized nations done their duty there would have been no war, but they were afraid of the increasing power, and were quite willing to see throats cut on that account—not very Christian, we must admit.

Now we see that Russia, one of our great customers, is spending five hundred million dollars a year on militarism, five or six hundred millions is appropriated for building a new navy, while the people are, many of them, on the verge of starvation. If it were used in building roads and improving agricultural conditions in Siberia and elsewhere, and for the benefit of the people, we could increase our trade. It thus becomes a matter of interest to us as well as to them. Of course it sounds cold-blooded to say that loss of property is a greater evil to the world than the loss of life, but practically it is so. The Boer war cost

England comparatively few lives but she lost a thousand million dollars, which lowered the standard of living in Great Britain and cost the lives of more children directly and indirectly than the lives lost in the war.

We have more than a thousand million dollars invested in Mexico. The loss there is lowering the standard of living here, and is a factor in the non-employment of our workmen. We want no war with Mexico.

War is not really admired or supported by any of our great men. I have the advantage of many of you, for I have lived seventy-six years. I have known our Presidents, some of them intimately, since Lincoln, who was a great advocate of peace. He would have given his life to prevent the Civil War. I heard both of his inaugural addresses and his address at Gettysburg, and will quote a line or two from his last inaugural:

"Fondly do we hope, fervently do we pray that this mighty scourge of war may speedily pass away."

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, we will strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the brunt of the battle, for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations." (Applause.)

I knew Grant quite well, and General Lee. I also went to school with General Lee's son. My father was a classmate of General Lee, my uncle his warm friend. With tears in his eyes, he told my uncle how he hated to leave the flag of his country, but deemed that his first duty was to his state. He followed his duty as he saw it, just as the people of the North followed theirs. I came up to York, Pa., from the South fifty-eight years ago, and although a believer in the preservation of the Union, I was once nearly mobbed because I spoke of Lee's character in terms of praise. The same people now admire him and love to read accounts of him and feel a pride in him as an American citizen, looking upon him as one of our great men. I met President Grant and General Lee talking together at the White House just as if they loved each other, about the progress of the country and what should be done to assist in reconstruction. Both of them hated war. Grant said he always preferred to arbitrate if possible. The trouble with the South and North was that the people did not know each other. We have no difficulty with Canada because the people intermingle and can shake hands across the border.

I have listened to Calhoun and Webster and Clay; I have walked and talked with Lincoln, and a reminiscence would be interesting, but I will not detain you longer.

I will now ask the chairman of our resolutions committee,

BUSINESS MEN'S REPORT

Mr. Stevenson, who is President of the Pittsburgh Chamber of Commerce and a director of the Chamber of Commerce of the United States, to read the statement that we, the business men here, have prepared. (Applause.)

REMARKS BY MR. WILLIAM H. STEVENSON

The committee that prepared this report found it difficult to concentrate on work, while its members were enjoying this delightful place; but they did some work, although they did not work as hard as the schoolboy who dropped the ending of words such as "coming" and "going." After the teacher had asked him to write the sentence, "I am working hard," she noticed he had written, "I am workin' hard." She said, "Take your slate back and put the *g* in." Again he came up, and on his slate was written, "Gee, I am workin' hard." (Laughter.)

This statement is not in the form of a resolution. It is more of a declaration of principles, or a creed of the business men who have met here at this Conference. It reads:

DECLARATION OF DELEGATES* PRESENT FROM BUSINESS ORGANIZATIONS

The business men in attendance upon the twentieth Lake Mohonk Conference on International Arbitration, delegated by commercial organizations* from a wide range of territory, including delegates representing the Chamber of Commerce of the United States of America comprising 555 constituent commercial trade and civic bodies, affirm their belief in the importance of any honorable action that may serve to avoid the horrors and waste of war.

They fully realize that upon them in the final analysis will rest a large part of the continuing financial burdens created by armed conflict.

For the support of wars the co-operation of international financial and commercial interests is essential; without that support war must cease.

Good business depends upon sound economic conditions, and war is waste. The manufacturing, the commerce and the transportation that in specific instances are stimulated by war, are trifling in comparison with the cost and the loss produced in normal trade channels.

War and preparations for war compel us to mortgage the future. Every session of The Congress of the United States appropriates about \$600,000,000 to defray expenses of wars, past and possible.

* See list immediately following.—ED.

STEVENSON

Sixty-five per cent. of the revenues of our government is appropriated for these purposes.. May we not have relief for ourselves and our posterity, so that the moneys now wasted in a rivalry with foreign powers in the increase in armaments may be made available for the pursuits of industry and commerce?

While recognizing the necessity for police protection through limited armies and navies, we favor a proposal by the government of the United States to the world powers, looking to an international agreement for the curtailment of warlike preparations and budgets, and for the limitation of armaments; and we believe our government should earnestly undertake to secure an international agreement for an intermission in the programs of naval construction.

We believe that in the event of such international agreement a large part of the \$141,000,000 spent each year by the United States for naval construction and maintenance, and similar huge sums by foreign nations, which have become an oppressive burden on the people, could be left in their pockets or spent in a manner that would confer great and lasting benefits upon them.

To the end that we may have ultimate justice and peace among nations we urge the judicial settlement of international disputes, and we commend the policy of our government for the adoption of treaties calculated to secure the determination of all disputes between our nation and others through courts of justice. (Applause.)

Mr. Chairman, this declaration represents the unanimous opinion of the delegates who are here from forty-two business organizations, representing indirectly a much larger number of bodies, and of many other business men present who joined in our meetings. (Applause.)

DELEGATES OF BUSINESS ORGANIZATIONS PRESENT AT THE CONFERENCE OF 1914.

NATIONAL

Chamber of Commerce of the United States.....	A. B. Farquhar, V.-Pres., York, Pa. William H. Stevenson, Pittsburgh.
National Association of Manufacturers.....	A. B. Farquhar, York, Pa.
National Board of Trade.....	William S. Harvey, Pres., Philadelphia.
National League of Commission Merchants.....	A. W. Patch, ex-Sec., Boston.
National Retail Hardware Association.....	D. Fletcher Barber, V.-Pres., Boston.

COLORADO

Denver Chamber of Commerce.....	L. M. Cuthbert.
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DELAWARE

Wilmington Chamber of Commerce.....	N. B. Sinclair, Sec.
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BUSINESS MEN'S REPORT

MAINE

Portland Board of Trade..... Silas B. Adams.

MARYLAND

Baltimore Chamber of Commerce..... George S. Jackson, ex-Pres.

MASSACHUSETTS

Massachusetts State Board of Trade..... A. W. Donovan, V.-Pres.,
Rockland.
New England Hardware Dealers' Association..... D. Fletcher Barber, ex-Pres.,
Boston.
Springfield Board of Trade..... P. S. Moxom.
Worcester Chamber of Commerce..... Charles T. Tatman, ex-Pres.

MICHIGAN

Battle Creek Chamber of Commerce..... J. H. Kellogg.

NEW JERSEY

Camden Board of Trade..... Alexander C. Wood.
Elizabeth Board of Trade..... Elias D. Smith.
Hoboken Board of Trade..... Walter B. Wilson.
Newark Board of Trade..... Charles Grant Titsworth.

NEW YORK

Amsterdam Board of Trade..... James T. Sugden, Treasurer.
Auburn Business Men's Association..... E. C. Aiken, ex-Pres.
Binghamton Chamber of Commerce..... L. M. Wilson, ex-Pres.
Manufacturers' Association of New York (Brooklyn). Andrew F. Wilson, ex-Pres.
Kingston Chamber of Commerce..... Sam Bernstein, Pres.
Lockport Board of Trade..... M. H. Hoover.
New York Board of Trade and Transportation..... William McCarroll, ex-Pres.
New York Merchants' Association..... J. Crawford McCreery.
New York North Side Board of Trade..... W. W. Niles, Pres.
Poughkeepsie Chamber of Commerce..... Elmer D. Gildersleeve, Pres.
Rochester Chamber of Commerce..... Daniel B. Murphy.

OHIO

Cincinnati Business Men's Club..... E. P. Marshall.
Cincinnati Chamber of Commerce..... E. P. Marshall.

PENNSYLVANIA

Erie Board of Commerce..... Clark Olds, ex-Pres.
Harrisburgh Chamber of Commerce..... J. Horace McFarland, ex-Pres.
Philadelphia Board of Trade..... W. R. Tucker, Sec.
Philadelphia Chamber of Commerce..... H. B. French, V.-Pres.
Philadelphia Commercial Museums W. S. Harvey.
Pittsburgh Chamber of Commerce..... William H. Stevenson, Pres.

RHODE ISLAND

Providence Board of Trade..... James E. Thompson, Treas.

VERMONT

Burlington Commercial Club..... H. S. Howard, Sec.

WISCONSIN

Oshkosh Chamber of Commerce..... E. H. Smith, Pres.

CANADA

Canadian Manufacturers' Association..... G. Y. Chown, Kingston, Ont.
Toronto Board of Trade..... W. P. Gundy, Pres.

BUSINESS MEN'S REPORT

CO-OPERATING AND CORRESPONDING BUSINESS ORGANIZATIONS

(List corrected to June 30, 1914.)

The following bodies have enrolled as Co-operating and Corresponding Business Organizations to assist in furthering the work of the Mohonk Conference. Organizations marked with a § regularly distribute stated numbers of the Business Men's Bulletins issued by the Conference; those marked with a * have adopted resolutions favoring international arbitration, or assumed other active co-operation; those marked with a † have appointed standing committees on international arbitration; and those marked with a ° have appointed delegates to one or more Mohonk Conferences.

NATIONAL

Chamber of Commerce of the United States.°
National Association of Clothiers.°
National Association of Manufacturers.°*
National Board of Trade.*°†
National Business League of America.*°
National Hardware Association.*§°
Nat'l League of Commission Merchants.*°§
National Retail Hardware Association.°

ALABAMA

Chamber of Commerce°.....Birmingham.
Chamber of Commerce.....Mobile.
Business Men's League.....Montgomery.

ARKANSAS

Arkansas State Board of Trade†°
Little Rock.
Little Rock Board of Trade*†°§
Little Rock.

CALIFORNIA

Fresno County Chamber of Commerce*
Fresno.
Chamber of Commerce*°.....Los Angeles.
Chamber of Commerce°*.....Oakland.
Merchants' Exchange*°.....Oakland.
Chamber of Commerce*°§.....Sacramento.
California Development Board°
San Francisco.
Chamber of Commerce*....San Francisco

COLORADO

Chamber of Commerce*°.....Colorado Springs.
Chamber of Commerce*°†§.....Denver.
Real Estate Exchange*°.....Denver.
Citizens Mining and Improvement Association.....Leadville.
Commerce Club*°.....Pueblo.

CONNECTICUT

Board of Trade.....Bridgeport.
Board of Trade.....Meriden.
Business Men's Association*°†§
New Haven.
Chamber of Commerce*†°§..New Haven.
Business Men's Association*.New London.

DELAWARE

Chamber of Commerce*°.....Wilmington.

DISTRICT OF COLUMBIA

Board of Trade°.....Washington.
Chamber of Commerce.....Washington.

FLORIDA

Board of Trade*†°.....Jacksonville.
Board of Trade*§.....Tampa.

GEORGIA

Chamber of Commerce§.....Augusta.
Cotton Exchange*.....Savannah.

HAWAII

Chamber of Commerce*°†§.....Honolulu.

ILLINOIS

Board of Trade*.....Chicago.
Illinois Manufacturers' Association°
Chicago.
Citizens' Commercial Association*§°
Freeport.
Moline Club Civic Improvement Com-
mission.....Moline
Chamber of Commerce*°§.....Quincy
Business Men's Association*†..Springfield.

INDIANA

Business Association.....Evansville.
Manufacturers' Association.....Evansville.
Commercial Club.....Fort Wayne.
Board of Trade*.....Indianapolis.
Commercial Club*°.....Indianapolis.

IOWA

Commercial Club*.....Cedar Rapids.
Commercial Club.....Council Bluffs.
Commercial Club*†.....Des Moines.

KANSAS

Commercial Club.....Leavenworth.
Commercial Club*.....Topeka.
Chamber of Commerce.....Wichita.

KENTUCKY

Board of Trade*°.....Louisville.
Merchants and Manufacturers' Association
Louisville.
Business Men's Club.....Newport.

LOUISIANA

Association of Commerce*†§°
New Orleans.
Board of Trade, Ltd.*.....New Orleans.
Progressive League.....Shreveport.

MAINE

Maine State Board of Trade°....Bangor.
Board of Trade*°§.....Portland.

BUSINESS MEN'S REPORT

MARYLAND

Board of Trade*°.....Baltimore.
Chamber of Commerce*°§.....Baltimore.

MASSACHUSETTS.

Chamber of Commerce*†°.....Boston.
Massachusetts State Board of Trade*†°§
Boston.
New England Hardware Dealers' As-
sociation°.....Boston.
Board of Trade.....Brockton.
Board of Trade.....Lawrence.
Chamber of Commerce*°.....Lynn.
Board of Trade*†°§.....Springfield.
Board of Trade*†°.....Waltham.
Chamber of Commerce*°.....Worcester.

MICHIGAN.

Chamber of Commerce*†°..Battle Creek.
Board of Commerce°§.....Detroit.
Chamber of Commerce°.....Lansing

MINNESOTA

Commercial Club.....Minneapolis.

MISSOURI

Board of Trade*°.....Kansas City.
Commercial Club*.....Kansas City.
Commerce Club*°.....St. Joseph.
Business Men's League*°.....St. Louis.
Latin-American and Foreign Trade
Association*°.....St. Louis.
Merchants' Exchange*°.....St. Louis.

NEBRASKA

Commercial Club*.....Lincoln.
Commercial Club*†°.....Omaha.
Real Estate Exchange*°.....Omaha.

NEVADA

Nevada Commercial League.....Reno.

NEW JERSEY

Board of Trade*†°.....Camden.
Board of Trade*†°§.....Elizabeth.
Board of Trade*°§.....Hoboken.
Board of Trade°.....Jersey City.
Board of Trade*†°.....Newark.
Board of Trade§.....New Brunswick.
Taxpayers' Association.....Paterson

NEW MEXICO

Commercial Club°.....Albuquerque.

NEW YORK

Chamber of Commerce*†°§.....Albany.
Board of Trade*°§.....Amsterdam.
Business Men's Association*†°§..Auburn.
Chamber of Commerce*†°§...Binghamton.
Manufacturers' Association of New
York*†°.....Brooklyn.
Chamber of Commerce*°.....Buffalo.
Chamber of Commerce*†°.....Elmira.
Chamber of Commerce°*.....Geneva.
Manufacturers' Association....Jamestown.
Chamber of Commerce°.....Kin-ston.
Board of Trade°.....Lockport.
Board of Trade and Transportation*†°
New York
Merchants' Association*†°.....New York.
North Side Board of Trade*°..New York.
Produce Exchange*.....New York.
Chamber of Commerce°*...Poughkeepsie.

Chamber of Commerce*°§.....Rochester.
Chamber of Commerce*°§.....Syracuse.
Chamber of Commerce.....Troy.
Chamber of Commerce*.....Utica.
Chamber of Commerce†°*.....Watertown.

NORTH CAROLINA

Board of Trade*.....Asheville.
Commercial Club.....Charlotte.
Chamber of Commerce*.....Greensboro.
Chamber of Commerce and Industry
Raleigh.
Retail Grocers' Association.....Raleigh.
Board of Trade.....Winston-Salem.

OHIO

Business Men's Club*†°.....Cincinnati.
Chamber of Commerce*†°.....Cincinnati.
Chamber of Commerce*†°.....Cleveland.
Chamber of Commerce*†°.....Columbus.
Chamber of Commerce*.....Dayton.
Greater Dayton Association†.....Dayton.
Chamber of Commerce*§.....Elyria.

OKLAHOMA

Chamber of Commerce°*..Oklahoma City.

OREGON

Board of Trade°.....Portland.
Chamber of Commerce*°.....Portland.

PENNSYLVANIA

Board of Trade.....Chester.
Board of Commerce*†°§.....Erie.
Business Men's Exchange*°.....Erie.
Chamber of Commerce*°.....Harrisburg.
Chamber of Commerce*§.....Lancaster.
Chamber of Commerce.....McKeesport.
Board of Trade*†°§.....Philadelphia.
Chamber of Commerce*†°§..Philadelphia.
Commercial Museum°§.....Philadelphia.
Chamber of Commerce*°.....Pittsburgh.
Board of Trade.....Reading
Board of Trade*†°.....Scranton.
Board of Trade§.....Wilkesbarre.
Board of Trade°.....Williamsport.

RHODE ISLAND

Board of Trade.....Pawtucket.
Chamber of Commerce.....Providence.

SOUTH CAROLINA

Chamber of Commerce°*§....Charleston.

TENNESSEE

Cotton Exchange*.....Memphis.
Merchants' Exchange*°.....Memphis.
Commercial Club*°.....Nashville.

TEXAS

Chamber of Commerce°.....Beaumont.
Commercial Club.....Dallas.
Chamber of Commerce.....Galveston.
Chamber of Commerce°*.....Waco.

UTAH

Commercial Club°.....Salt Lake City.

VERMONT

Commercial Club°*.....Burlington.

DISCUSSION

VIRGINIA

Retail Merchants' Association§.Lynchburg.
Board of Trade and Business Men's
Association§Norfolk.

WASHINGTON

Chamber of Commerce*°†.....Seattle.
Commercial Club*°.....Seattle.
Chamber of Commerce*°.....Spokane.
Commercial Club and Chamber of
Commerce*Tacoma.

WEST VIRGINIA

Board of Trade*°.....Wheeling.
West Virginia Board of Trade°°Wheeling.

WISCONSIN

Commercial ClubMenomonie.
Chamber of Commerce*°.....Milwaukee.
Chamber of Commerce°.....Oshkosh.

WYOMING

Industrial Club of Cheyenne*°Cheyenne.

CANADA

Board of Trade§.....Hamilton.
Board of Trade*°.....Montreal.
Board of Trade*§.....Regina.
Board of Trade*°§.....Toronto.
Canadian Manufacturers' Association*°
Toronto.
Retail Merchants' Association of Canada*§
Toronto.
Board of Trade*°§.....Winnipeg.

OTHER COUNTRIES

Chamber of Commerce and Industry
Brunn, Austria.
Sociedad de Fomento Fabril
Santiago, Chile.
Chamber of Commerce, Inc..London, Eng.
Chamber of Commerce..Manchester, Eng.
American Association of Commerce and
TradeBerlin, Germany.
Die Aeltesten der Kaufmannschaft
Berlin, Germany.
National Chamber of Commerce
Vera Cruz, Mex.
Merchants' Association.....Manila, P. I.
South African Manufacturers' Asso-
ciationCape Town, S. Africa.
Chamber of Commerce..Barcelona, Spain.

The CHAIRMAN: Before we proceed to the remaining speeches of the morning, is there discussion of the subjects already raised?

Dr. PHILIP S. MOXOM, of Springfield, Mass., warmly commended the declaration presented by the business men through Mr. Stevenson, and stated that steps would be taken to bring the declaration to the attention of the United States Government through the Chamber of Commerce of the United States.

Rear Admiral F. E. CHADWICK, commenting on the recommendation of the business men regarding armaments, stated that in his opinion some nations—notably Germany—were benefited financially by the maintenance of their armies. He also cited instances where American industries—notably the steel industry—had been benefited by the maintenance of armaments by the United States.

Dr. E. D. WARFIELD, President of Lafayette College, commended the stand taken by the business men against great armaments, and expressed the opinion that the subject might well receive the attention of the entire Conference.

Lieutenant-Colonel WILLIAM C. CHURCH, Editor of the *Army and Navy Journal*, referring to Dr. Ritter's statement that Switzerland has no standing army, stated that this was because every Swiss is a soldier. He called attention to the fact that the leaders in American military circles are striving to have the average American citizen prepared to defend his country should occasion arise rather than to be compelled to maintain a large standing army; but he deplored the general impression that men

COMMERCE AND PEACE

can be effective soldiers without adequate training. He confirmed Admiral Chadwick's statement of the advantages accruing to Germany from the careful military training given her citizens.

Dr. ERNST RICHARD, of Columbia University, while admitting a statement of Admiral Chadwick that employers found German workmen more efficient than others, suggested that this might not necessarily be due to compulsory military service, and pointed out that Germany had been a leader in industry and commerce when it had no compulsory military service. He commended in strong terms the argument of Admiral Chadwick's address earlier in the session in favor of the opening to equal commercial opportunities of vast territories seized and dominated by one or a few powers, dwelling particularly on the strong desire of Germany and other nations for some field of opportunity where their citizens could go without losing their nationality, which condition he hoped would obtain in such territories as might be opened up in accordance with Admiral Chadwick's recommendation.

The CHAIRMAN: We shall be only too glad to hear from Mr. OTTO SCHAEFER, of Cologne, Germany, a member of the Cologne Chamber of Commerce and of the Hansabund, a national German society which endeavors to conciliate the interests of the industrial and commercial classes.

COMMERCE AND INTERNATIONAL RELATIONS

REMARKS BY MR. OTTO SCHAEFER

Kindly allow me to remind you that I am only a visitor to your beautiful country; and, therefore, kindly excuse faults of language.

As we discuss at present peace questions from the standpoint of economics and commerce, I would like to say a word regarding peaceful commercial relations between the United States and my own country, Germany. There has always been friendship between these two big and powerful countries, and as most of you know, the *first* general treaty of state ever made by the United States was made in 1785 with the kingdom of Prussia, the backbone of the German Empire to-day. In this treaty, by the way, already the two nations accepted the principle of immunity of private property on the sea, which we hope the third Hague Conference will make part of established international law.

In spite of such friendly relations there has been, of course, some friction, but of late only such as had to do with the tariff regulations. Perhaps, if I narrate to you a case of my personal

experience it will carry more weight than a long argument. In the year 1910 the German Reichstag passed a law which imposed a considerable tax on illuminating mediums, such as incandescent gas mantles and electric filaments on Tungsten lamps. This tax, however, was only paid on such mantles or electric lamps as were sold within the frontiers of Germany. No tax whatever is paid on goods that are sold to foreign countries, as England, France, Japan or the United States. Now the United States customs officials even to-day charge the United States duty not only on the price at which such goods have been sold by German manufacturers to American customers, but also on the amount of the German tax which in this case is not paid at all to Germany by the German manufacturer. In consequence, the once most important trade between Germany and the United States in incandescent gas mantles and electric lamps has been killed, as the double duty taken by the United States customs makes it impossible for German manufacturers to compete successfully against all those other countries which import these articles into this country in large quantities.

Here, of course, would be some work for our International Court of Claims, so clearly and thoroughly explained yesterday by Mr. Partridge. Already, in the fall of 1912, the International Congress of Chambers of Commerce assembled in Boston, discussed the problem of such an International Court of Claims, and I regard it to be another step forward to international peace if such an institution would come into existence very soon.

Good business and trade relations no doubt are the best peace guarantee between nations. We Europeans are not combating against protective tariffs, as we understand and know that they result from economic conditions; but what we demand is a reasonable use of tariffs to clear up misunderstandings and prevent ill feelings. So for instance if it comes to a close examination of the reasons why German industry does not participate in the San Francisco Exhibition, you will find one reason in the vexatious treatment on the part of the American Customs officials of which I have just spoken. Besides this, the Germans declare that it is not encouraging for them to participate in the American exhibition, as the American government is very slow in providing for official representation at the great International Special Exhibitions in other countries. Anyhow, the Germans do not see much advantage in the great promiscuous world's fairs, while at the other hand they think the comprehensive special exhibitions of scientific and historical arrangement of the greatest value in the promotion of industrial progress in that particular branch.

Perhaps I may appear to you somewhat too critical, but in the few minutes I have I thought it of more importance to place my finger on such spots as may become a source of vexation than

COMMERCE AND PEACE

to repeat expressions of admiration and friendship for your great nation, which are really a matter of course for us Germans, considering that through the veins of at least one-fourth of your citizens our own blood is flowing. This is a stronger bond of everlasting friendship of Germany for America than any that might be artificially constructed. (Applause.)

If conferences like this will continue to contribute to an international understanding regarding economics and commerce, I can assure you that we Germans will be your best allies at any time. (Applause.)

The CHAIRMAN: We shall now have the pleasure of hearing from Dr. ALBERT BUSHNELL HART, of Harvard University.

WATSON'S DOUBTS

REMARKS BY ALBERT BUSHNELL HART, LL.D.

Experience of life has taught me to rely upon a principle which has been evolved alike by business men, by students of political science and by those who carry on government. We all rely for our judgment upon experts. My international law, for instance, I take from the two great works of the Chairman of this Conference. I have gone through every page of both sets, as Beatrice says, "For the which blessing I am on my knees night and morning!" (Applause.) I take my theology—shall I say—from *The Outlook*. I take my politics from a judicious blending of Oyster Bay and of Lincoln, Nebraska! I take my idea of common sense and of what the ordinary mortal feels from my colleague Watson, the world renowned chemist, who, aside from that, is a very sensible man. (Laughter.)

I told my colleague Watson that I was coming here to the Conference: I always consult him on such questions. He said, "That Conference at Mohonk? Those peace guys?" I said, "No, it is a gathering of the most influential and thoughtful people in the United States."

"Well," he said, "that is all right, but you won't get anything out of the gathering."

"You go to your chemical society meetings every year, don't you?"

"Yes," he replied, "but we disagree in our chemical society meetings and tear each other all to pieces; if you go to the Lake Mohonk Conference you won't hear anybody disagree with anybody else. You would not know there was ever a war from anything that happens there." I am sorry I did not bring my friend Watson along, so that he could have witnessed some of our proceedings to the contrary.

Watson has an incorrigible habit of objecting. He does not

see things properly. In the first place, he said, "If you go to Mohonk they will uproot a lot of your old prejudices; the first you know they will be criticising the Monroe Doctrine. And that will be like the old gentleman who, when the lecturer was speaking on the life of the ancient Romans and trying to make out that the ancient Romans had kind fathers and benevolent mothers and that in their family life there was a great deal to admire, arose, trembling with excitement, and said, 'Sir, I protest at this attempt to deprive us of the vices of the ancient Romans!' Just so you will be deprived of your Monroe Doctrine." (Laughter.) I thought I would risk that.

"What do you think would be a proper subject for me to discuss at the Conference? Couldn't you suggest a topic?" I asked.

"Well," said Watson, "if you want my views, in the first place, these people talk all the time about a permanent system of arbitration. Now, I am a chemist, and I deal with elements; and I tell you that you have got in this world a lot of political elements. Mankind is divided into them; you can make certain combinations; but certain things won't combine, and you must just accept that as a fixed fact."

"What about the new chemical theories, radium, and all that sort of thing?" I replied. "Are not all the elements just the same when you get down to them? Are you not going, by and by, to change your lead into gold?"

"You cannot carry any analogies between chemistry and politics," objected Watson. "And at any rate, what I want is to be told what will happen when the Lake Mohonk people carry their purpose through, when they get universal arbitration. I want to know whether they are going to crystallize the present political systems into an international world system. I suppose, because I am a chemist, I object very much to any kind of a permanent compound; I want to be free to decompose anything."

Watson does not know much about world peace, though he has clearly tried to get a line on it out of *The Nation* and the reports of the Mohonk Conferences; still he thinks he knows something about our business. Hence his cranky objections. "First of all," said he, "we have something called international law. When you get your universal arbitration, is the arbitral tribunal going to apply the international law that has been, or the international law that is going to be? If I know anything about courts they take the law that is given to them in advance. Another thing: There are a lot of nations in the world that have colonies in Asia, Africa, and the Pacific. I was out in Asia a few years ago, and one of the things I came to believe was that the colonial system was not to last. Within fifty years or less the great European colonies in Asia will cease to be colonies. What is the arbitral court going to do about that? Is it to be considered

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a breach of the world peace if the people of India forcibly express their views as to their own government? Are you going to send a world peace expedition to put those people down?"

"Watson," I said, "I don't know the answer to your conundrum, but I will ask the Mohonk Conference about it." (Laughter.)

"Then," he said, "there is the question of extraterritoriality. The Chinese and the Turks do not seem satisfied with that doctrine. You have your extraterritoriality in those countries, you have had it a long time; is your world arbitral commission going to take the ground that the disturbance of that system of extraterritoriality is an affront to mankind? If the Chinese take advantage of some European war, and withdraw those concessions, is Europe bound to go to war to preserve peace on that point?"

I replied: "I will lay it before the Conference."

"Then," he continued, "one thing I cannot understand; perhaps when you come home you can tell me all about it. I am all mixed up about that general arbitral court. I have been reading the reports of the Mohonk Conferences and the Conferences seem ready to fight each other over the question whether an arbitral court is a court or a compromise. Is the arbitral court going to decide things so as to give both people something and send both parties away half satisfied? That is what used to be called arbitration, but I notice when I go to a football game, if the game is a tie, both sides go home mad with the umpire. Or is it going to render a jural judgment by a court of judges? I have heard something about the 'consciences of judges;' but if I understand law, judges are not entitled to have consciences; they must take the law as they find it. They must accept the established law, must decide on a strict interpretation of the law, whatever it shall cost.

"Then we need an understanding as to how the decisions of the arbitral tribunal are to be carried out; who is to be ready to make war in order that the peace may be permanent? (Laughter.) In the last resort there must be something, call it international police or what you like, with a gun in its hand; there must be some way of making your judgment prevail. Why, the question of enforcement sounds to me like the colloquy between the bishop and the judge over their respective authority; the question was, which was the greater man. The bishop said to the judge: 'I certainly am much more powerful than you; all you can say to me is, You be hanged! and I can say to you, You be damned!'" (He is a rough sort of man, my friend Watson; but of course he would not say anything like that before an audience of ladies and gentlemen.) "The judge replied: 'That is all very well; but if I say to you, You be hanged! you *will* be hanged.'" (Laughter.)

According to Watson, many difficult questions must arise as to the arbitral court. For instance, as he put it: "Under the ordinary system of justice when A kills B's chickens because they come over his line, B summons A to come to court; if he does not obey, a policeman goes after him and then he comes. But what are you going to do if country A gets into trouble with country B, and B says, 'Come to the arbitral court,' but A replies, 'I won't do it?' Just who is going to bring A into court? Or are you going to have a trial and a decision without any A? Again, if the two chicken-owning neighbors say, 'Well, neither of us will obey the police; we will call in the children and we will all scramble over the fence and have a nice little family fight and see whose chickens are the scratchiest. That is all very well in private law; but suppose, as has happened half a dozen times since the first Hague Conference, the two nations A and B, say: 'We don't care about the international court of arbitration; we will fight it out,' who is going to summon them to court in this event? And if they come, who is going to make them assent to a final decision? And just how is that decision to be carried out?"

Watson did not answer his own question. Is this Conference ready to do so? We know there must be some kind of an international agency for carrying out the decision of the arbitral courts; for a court in which the parties cannot be compelled to appear against their will and also compelled to assent finally to a judgment satisfactory to neither of them, is no court at all.

Is not the main purpose of a gathering like this to face difficulties of that kind in advance; to find solutions of the outcome before questions have been definitely laid before The Hague Tribunal? One of the great services this Conference can confer upon the country is thoroughly and fully to face the difficulties that lie in the way of any kind of permanent machinery for peace that may be suggested. My friend Watson does not realize how much we are doing in that direction, he is not sufficiently interested in conferences.

When I said to him, "Go to the Mohonk Conference to have your spirit elevated, to feel as if you were soaring among the clouds!" he replied, "I have noticed in chemical research that when a rose cloud arises you had better wait until it goes away and then examine the reaction in the retort." (Laughter.)

Watson or no Watson, such meetings as this are wholesome. I have felt, as we all have felt, the inspiration drawn from the long experience of the persons gathered here, who believe there is a better day coming, and that it is not necessary for civilized men to go on year after year cutting each others' throats over slender causes. Like Professor Dutton and Dr. Seaman, I was in the Balkans last year after the first war, and just at the begin-

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ning of the second. I saw soldiers assembling and departing day after day, and every time I saw such a train of soldiers, I said to myself, "You are going to be shot! you are going to be shot! you are going to be shot!" And many of them were going to be shot. It is a cruel perversity of Christianity and civilization and brotherhood that such things are. Such things need not be; but if the world is going to be raised by the inspiration of such gatherings as this, if we are going to lead in a movement by which these inane and foolish things may cease, we must be prepared to answer such questions as those of my friend Watson. (Applause.)

The CHAIRMAN: By an exercise of my power, which, although it may be characterized as arbitrary, is intended to promote conciliation, I refer that matter to the Executive Committee! (Laughter.)

The Conference stands adjourned until evening.

Sixth Session

Friday, May 29, 1914, 8 P. M.

The CHAIRMAN: The first thing this evening is the presentation of the Conference Platform, by Dr. ELMER ELLSWORTH BROWN, Chairman of the Sub-Committee on Platform of the Executive Committee.

Dr. ELMER ELLSWORTH BROWN: In accordance with the custom of Lake Mohonk, the effort is made in the preparation of the platform to sum up as nearly as possible those more important ideas upon which the Conference has shown itself to agree with substantial unanimity. The paper we have to present to-night has been worked over carefully by the Sub-Committee of the Executive Committee, and not adopted by them until they could adopt it unanimously. It was then referred to the very large and representative Executive Committee, and after full discussion was adopted by that Committee unanimously. It goes without saying that when we proceed in that way, we leave out some very interesting things.

Dr. Brown then read the Platform, and on behalf of the Executive Committee, moved its adoption, which motion was seconded and unanimously carried.

(For a copy of the platform, see page 8.)

DR. BROWN: The Executive Committee also presents the following separate resolution:

(For a copy of the resolution, relating to a conference of editors, see p. 10.)

The Resolution was unanimously adopted.

The CHAIRMAN: Ladies and gentlemen, I am very happy to say that we have with us this evening the first diplomatic representative to the United States from the Republic of China. (Prolonged applause.) It is evident by the response to this announcement that he has met with a welcome here as hearty and warm as we had the pleasure to witness in New York on Monday evening last. We shall be deeply gratified if he will say something to us. I have the honor to present Mr. KAI FU SHAH.

CHINA'S INTEREST IN ARBITRATION

REMARKS BY HIS EXCELLENCY MR. KAI FU SHAH

This is the first time I have been to a Mohonk Conference, although I have known, for a long time of the work done by these Conferences. Their proceedings mark the progress made

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in the growth of the world's sentiment for peace and arbitration; and it is a great pleasure to me to be able to be here and meet the distinguished workers for the cause. For this great privilege and honor I wish to thank Mr. and Mrs. Smiley.

I need hardly define the position of China with reference to peace and arbitration. Her position is well known. If she has any traditional policy at all, it is the steady pursuit of peace. Through the centuries of her history she has not wavered from that policy. This is due, no doubt, to the influence of Confucius' teaching. As followers of Confucius we are as strong advocates of peace as are the Quakers in this country. Therefore, every movement that has for its object the maintenance of the world's peace has the unqualified support of the Chinese Government.

One of the greatest movements in this direction is that in favor of arbitration. As you all know, China was one of the original signers of the first convention for the pacific settlement of international disputes concluded at The Hague in 1899. She was also one of the original signers of the second convention for the same purpose made in 1907. When the third Peace Conference is called, China will, no doubt, send delegates.

About five years ago China signed an arbitration treaty with the United States. That treaty has just expired. But in anticipation of its renewal, the National Assembly of the Republic of China passed a resolution in last November giving the President the power to renew the treaty for another period of five years. As it is also the desire of the United States Government to renew the treaty, there will be no difficulty in this regard.

My government has also taken a deep interest in the peace commission treaties as propounded by the Honorable William J. Bryan, the distinguished Secretary of State. As far back as last September, my government asked for particulars regarding those Treaties; and while I was in Europe on my way to this country I received cable instructions from Peking to proceed without delay to my post so that negotiations for the treaty between China and the United States might be commenced without loss of time.

I regard it as a good augury for my mission in the United States that the first duties I had to perform upon taking up my post in Washington were those connected with the negotiations of the arbitration and peace commission treaties. (Applause.)

The CHAIRMAN: The Minister from China in his remarks has given expression to the spirit that presides over the relations between these two great republics, and which we believe will continue to rule them.

We will now turn to the subject, "The Churches and Inter-

LYNCH

national Peace," and will hear first from Dr. FREDERICK LYNCH, Secretary of the Church Peace Union and Editor of the Christian Work.

THE CHURCHES AND THE PEACE MOVEMENT

REMARKS BY REV. FREDERICK LYNCH, D.D.

The time is short, and I have spoken so many times here—I belong to the old habitués of the Conference—that I will just tell you in a word about the new Church Peace Union, founded lately by Mr. Carnegie, of which I have the honor to be secretary.

There has been much criticism in our country during the last few years that the churches have not taken the place that they should in the leadership of the peace movement. I myself have made such criticism. I am glad to be able to say to-night—and I say it with all the more pleasure because it has been recognized in our platform—that such criticism is no longer just. Especially are the churches in this country arising from within their consciousness to their great place as leaders in this movement.

I wish I had time to show how far back the churches have been preparing the way for peace. They have been laying foundations without which neither The Hague Conferences nor arbitration treaties would be possible. Let us remember that for years the churches have been saying you cannot have more than one standard of ethics in the Kingdom of God. The Church has been saying that nations must be bound by the same ethical relationships that exist between men. If it is wrong for a man to kill, it is just as wrong for a nation to destroy another. If it is wrong for a man to steal, it is as much a crime in the eyes of God for a nation to take territory from another. Until we all realize that as the great fundamental truth of religion, we cannot have peace. I thank God that the world is realizing this! The great hope of the peace of the world to my mind lies in the fact that all over the world that feeling is growing. The church has been preaching that gospel for years, and has been laying the foundation of this new era of arbitration into which we have been entering. And the churches are going to take a real part in the active leadership. (Applause.)

Mr. Carnegie has watched the work of the Federal Council of Churches with great interest for the past eight years. Three years ago it was announced in this Conference that the Federal Council of Churches had established a Peace Commission made up of representatives of all the Protestant denominations. It is to Mrs. Black's lasting honor that she made that Commission possible by giving it five thousand dollars to carry on its work.

On February tenth of this year Mr. Carnegie called twenty-nine of us to his house and presented us with two million dol-

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lars, thus founding the Church Peace Union. We are undertaking first to get all the pastors to preach peace sermons. I am glad to announce that all over the United States those sermons were preached on May 17th more than ever before. During the Mexican situation we got the churches of the land to pray for the success of mediation and to use all their endeavor to back our government in this great and holy cause which it is pursuing. We are sending money—\$10,000 each—to the Peace Councils of the Churches of Great Britain and Germany, which have done more to preserve good feeling between those nations than any other agency. The Federal Council of Churches is doing a superb work through its Peace Commission. One of the finest things it is doing is to preserve and cement good feelings between Japan and the United States. Professor Gulick, who is here from Japan, is going about the United States as the representative of the Christian churches of Japan and of the Peace Commission of the Federal Council. The Church Peace Union is behind that fine endeavor. We are publishing literature throughout the land. Another thing we have done is to copy from Mr. Pugsley and Mrs. Black and to offer five thousand dollars in prizes, a thousand dollars to any minister in the United States for the best essay on international peace, prizes to divinity students, prizes among the young people of our churches.

We are arranging a conference of churches to meet in Switzerland this summer, where leaders of the churches in the peace movement of Germany, Switzerland, France and Belgium are to confer to see how the church may best lead in this movement, and whether all the churches of the world, ten thousand strong, each by its delegation, may not meet in London before the next Hague Conference and see what the churches demand.

The last thing we have in our budget is to see if we cannot organize the cities. One city is already superbly organized and has become the model city of America in the organization of the churches for peace. This is the city of Buffalo, N. Y. Mr. and Mrs. Frank F. Williams have organized in every church in Buffalo a peace committee which is active and keeps the congregation informed. (Applause.) We hope to organize next in Chicago, and then in one city after another until all the cities of the country shall be thus organized.

Moreover, Mr. Carnegie chose as trustees from every denomination in the country, Roman Catholic, Protestant and Jewish; and one of the greatest things that is going to come out of this Church Peace Union is not only the peace union, but a great deal more of Christian unity than we have ever had in this land. (Applause.)

The CHAIRMAN: The Rt. Rev. LUTHER B. WILSON, Resident Methodist Episcopal Bishop of New York, will now address us.

WILSON

THE PEACE MOVEMENT AS A PHASE OF RELIGIOUS EDUCATION

ADDRESS BY RT. REV. LUTHER B. WILSON

The peace movement doubtless owes its inspiration and advance largely to religious conviction. Grotius, to whom the present age pays tribute for his leadership in this cause, was not only one of the most distinguished scholars of his day, but also one of the most devout Christians. It is quite true that some of those conspicuously identified with the movement have not been ready to avow their adherence to any ecclesiastical organization, or subscribe to any doctrinal formulary, but even with many of these lives it has been easy to discern the breadth and depth of a really reverent religious attitude.

The large part which the Lake Mohonk Conferences have played in this cause will be acknowledged by all who know the progress of events in recent years; and here religion as a factor in the peace movement needs neither apologist nor historian.

The fact that the subject has been approached from many angles and that many convictions have been focalized in the movement does not at all argue against the pre-eminent place to be ascribed to religion in the analysis of forces making for success in this great crusade against war.

Doubtless the vision and zeal which religion has inspired in so many it may reasonably be expected to inspire in others. And yet in respect of such a cause it is neither necessary nor desirable that conviction should be dependent upon the accident of individual discovery. To you the hatred of war and the love of peace are not deductions from the Gospel; they are a part of it and so large a part that you can never think of the Great Prophet of Nazareth without remembering that aspect of His teaching. To you he seems forever saying to the warring elements of the world "Peace be still!"

It ought not to be necessary to suggest that the promotion of peace be given place in religious education. You can hardly conceive of any system of religious education in which it is not already present. The Scriptures familiar to us are full of it. In the days of the old theocracy there was scarcely ever the blare of war trumpets but the echo was a call to peace; never a divine law promulgated as of permanent authority that did not look peaceward. The dream of sword and spear wrought into plowshare and pruning hook was the alluring vision of the prophet. The gentleness, the unselfishness, the sweet persuasiveness, the peaceableness of the Christian life is the very badge of its manliness.

Certainly peace is there and it is scarcely possible to name a legitimate phase of the endeavor for which this Conference stands

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which is not distinctly and specifically in the content of the Scripture message. The restriction of armament, the prohibition of the horrible enginery of war, the substitution of arbitration for the clash of arms,—you do not need to put these in the Gospel; they are already there.

The warrant for those international agreements in the interest of such as are engaged in the extra hazardous occupations, or for such agreements as will most considerately meet the needs of our brothers in the industrial complexities of present-day conditions, the warrant for such measures as broad-minded men, the world over would approve, it is there in the Gospel also, and if there be difficulty in turning to any other particular utterance strikingly appropriate then it is to be remembered that for such an emergency the Second great Commandment was promulgated. Certainly the proposition to make the peace movement an aspect of religious education cannot be thought of as other than respectful and consistent, but the manner of instruction must not be in the haphazard fashion of the old time inefficiency; it must be the scientific method adopted by keenest minded, most successful of modern teachers. The peace movement, with all of arbitral procedure which the term includes, ought to be given systematic and sympathetic attention in the educational program of every religious body, Protestant, Roman Catholic or Jewish.

Many a good cause has been jeopardized by the unwarranted assumptions of its friends. It has probably been assumed that religious teachers in the pulpit or out of it would see the great practical duties in their true perspective and in the telling of the vision would set them forth in their rightful proportion. It might be safer to assume the value of careful suggestion and acting upon the assumption give to those who may be influenced thereby, the results of reflection and study which have helped most in rounding out our own conviction. This is surely called for. It is probably true that in many pulpits there has not been in years a single formal deliverance on the subject of peace as we are here considering it; that is, on peace between man and man, or of peace between nation and nation. It is one of the functions of the peace movement to bring about a change in this, and that particular task is having serious attention. The pulpit not infrequently regards itself as inspirational rather than educational. Where such a view is held concerning the office of the preacher, it may be difficult to secure from the pulpit that co-operative enthusiasm which would be most pleasing; but in the church schools, whether held on Sunday or another day, there is open to us such an opportunity as is not afforded elsewhere. Here are multitudes of children and youths. Many of them in primary grades are only just now awakening to coherent consciousness; they are receiving their very first impressions through

methodical instruction. If you can by any suggestion lodge in these minds such a view of human relationship as that which you have come to cherish, what may you not expect as the sequel?

An occasional story, an incidental reference may lead to undreamed of results in the service of mankind, but only the careful process of a really educational endeavor can meet our obligation if peace is indeed worth while. Can you discover a more promising field for your cultivation than is here? There are in the church schools of the land millions, in some of the denominations exceeding numerically the membership of the church itself, at the very age when the mind is most eagerly acquisitive and the heart most easily impressed. They are ready for you, an agency most tremendously potent. You can reach but few of them directly, but you can almost certainly reach them if you will, by offering your help to those who arrange the curriculum of religious education, who edit the Sunday School literature, and who in other ways so influence the life of child and youth intellectually, emotionally, volitionally.

It must never be forgotten, however, that the blood of military heroes and martyrs runs in the veins of the race. Heroism has been interpreted in terms of the battle field. Our very conceptions of courage are stained with the blood of battle. It is not an easy thing to rid oneself of the fetters which habitual thought has riveted. To give to peace its proper place means almost the rewriting of human history.

In Mr. Bryan's fascinating address there was drawn the picture of a child talking with the father, a soldier of the sixties. As the child listened to the story of charge and conflict, of danger and daring, he cried out, "How fine it was!" That was the response of the child, the representative child, whose heart is tuned to the heroic. It was the soldier father who answered, "No, it was not fine." And the verdict of the soldier father was accepted perhaps because he was a soldier father. It would have been a task more difficult for another to accomplish that change of mind.

But you are not likely to see such a correction of child thought until the peace movement is definitely recognized as a phase of religious education and the most patient and tactful effort is given to its effective adoption. Let us see to it then that there be taught wherever childhood, youth or age shall gather for religious training, that peace is the goal of prophecy, that arbitration is the order of a progressive age and that the good God beckons us that way. (Applause.)

Ah, that is the chief thing in the matter of religious education. You do not have only the fashioning of thought, of dream, of hope, of love into ideals, but with any religion worthy the name,

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you have ideals plus motive and authority. The organization of religious schools means much, the fact that multitudes are gathered in them has deep significance, but the great thing is just this, that they are religious schools. The peace movement is a distinct subject for religious education, but it is likewise a distinct reason for religious education.

How often it has been said during these days that the effectiveness of the peace movement is dependent upon the attitude of the people; that the success of arbitral procedure is dependent upon public opinion. It will be confessed that your rarely exceptional man may be controlled by his judgment, but commonly there is a vast stretch between intellectual conclusions and compelling convictions.

It would seem as though the world had gotten far enough along to have fairly correct views as to the wastefulness of war and the consequent desirability of peace. Yet what happened in this country only a few days ago? You well know that at the tensest moment of these last months, when the people should have maintained the most judicial mood, multitudes were swept away by passion and from every part of the land clamorous demands came up to the President for an immediate resort to arms in Mexico, such demands as it is not easy to resist. What happened then is but suggestive of what is likely to happen again. What happened in some of the cities of this country is likely to happen almost anywhere if the same external conditions should make their appeal.

If you are to have it otherwise you must find a deterrent more effective than the report of the battle's dead and wounded, however realistic such report may be. The fact is that tribes and nations which have suffered most in war have been readiest to accept the gage of battle.

You must have an argument more convincing than any which industrialism or commercialism has to offer, or, if you prefer, more forceful than any which political or social economy has to present. We are fairly advanced as a nation, but we are not altogether successful in maintaining peace within our own borders. The man who believes that universal peace can be expected on the basis of any merely human philosophy of brotherhood, or who believes that such a reign of peace must of necessity follow the establishment of a permanent court for the adjudication of international differences, has not, I think, thought the matter through. In general, statesmanship and diplomacy, while manifestly upon a higher level than heretofore are still uncertain. You can determine upon your method of procedure, may constitute your court of men most learned and most impartial, but you have the people yet to deal with.

Commercialism in the large may be against war, but it is easy

to conceive of conditions in the presence of which commercialism may be or what is practically the same, may seem to be upon the side of war. What then?

Even if the people stop to think, even if they foresee the inevitable suffering of war, the awfulness of that suffering may not serve to decide the question, for some will suffer, but some will survive. And a nation very eager for colonies, very hungry for bread, or gnawed by the economic hunger for trade will accept the situation and compel the war as a sort of lottery in which the possibility of winning justifies the hazard.

You may gather all the arguments you can find, you may buttress your own conclusions with the fine sayings of wisest men, but ultimately your appeal must be to conscience.

Your great financiers know as well as you do that war is wasteful, but until you give a moral value to peace you need not expect the discontinuance of such war loans as alone make protracted war a possibility. Humanitarianism may have a well-balanced philosophy, but it lacks a compelling motive. The great postulates "I ought"—"I ought not," are not compelling if on the bench in the individual life there sits a judge who may be bribed or intimidated.

It is only as these postulates are invested with the authority of the King of Kings that they have their rightful power over human action. (Applause.)

You dare not ignore the significance of public opinion, and I venture the thought that at last the attitude of the people toward event or movement is likely to be determined by the attitude of the people toward God.

Therefore, I do not believe that you can bring in universal peace if you leave out God. The function of religious education is not the fashioning of ornaments for polite society whether serious or frivolous, it is not the enriching of thought and utterance with concept or phrase. The function of religious education is the discovery of God to human hearts; the establishment of a throne; the promulgation of a law; the development, guidance and elevation of life; the visionalizing of promise and the consummating of desire.

In the interest of the peace movement, it is fair to ask what is the quality of public opinion in the community which you know best? In too many places the times seem to be too strenuous for the observance of family religion. Often religious beliefs are so diverse that there cannot be systematic teaching of ethics or morality in the common schools because morality needs for its foundation some great postulate which belongs to the category theological and therefore cannot be approved, or allowed. So serious is the case that in some of the towns and cities, Protestants, Roman Catholics and Hebrews are supple-

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menting the confessedly inadequate provision for the religious training of their children and youth by opening week-day schools for their religious education, finding time for this by arrangement with the authorities in the common schools. If public opinion be a factor in the problem we are seeking to solve, if enlightened conscience is for us an asset really needed, then for the sake of peace, as for the honor of the King let us see to it that the methods of secular education are supplemented as they ought to be.

You cannot rest a pyramid upon its apex and expect its continuance in stable equilibrium. You cannot reasonably hope for the quietness and stability of the social order unless you have with whatever else the virtue of the common people, that virtue which is vitalized and energized and tranquilized by religion.

May I say in conclusion that it seems to me the only peace which can endure is a peace which with all its wisdom of provision and method is cemented as under the sanction of Almighty God and maintained by His Assisting Grace, who is our Redeemer, even the Prince of Peace. (Applause.)

The CHAIRMAN: We are all interested in the Christian students' movement and its relation to international peace; and the Conference is fortunate to have this subject presented by Dr. JOHN R. MOTT, General Secretary of the World's Student Christian Federation.

THE CHRISTIAN STUDENT MOVEMENT AND INTERNATIONAL PEACE

ADDRESS BY JOHN R. MOTT, LL.D.

The place to bring power to bear is where the power can be most widely and most advantageously distributed. You will recall that morning during the Japanese-Russian War when you heard about the capture of the two hundred and three meter hill fortress. It required no special military discernment on your part to see what it implied; that it meant that sooner or later the great citadel of Port Arthur must fall, because the two hundred and three meter hill fortress was the key to that great position. I remind you to-night that the universities, colleges and higher schools constitute the two hundred and three meter hill fortress of the nations. As go these centers of influence and power, so go the nations. Any idea or ideal which you wish to have dominate the people must first dominate these seats of learning. This attaches the greatest possible importance to the attitudes and tendencies, the ideals and spirit of the undergraduates

in the universities and colleges of the world. It likewise lends much meaning to the fact that within a generation there has been developed within the student field of the world a comprehensive Christian movement of students and professors. This movement which goes under various names in different nations and races has vast possibilities for the propaganda which is being emphasized in this Conference. These possibilities are boundless because of the field in which this movement is working, the student field of the nations. You recall the German proverb that what you would put into the life of a nation, put into its schools. This movement is dealing with the very centers of power and influence.

Its possibilities are boundless also because of the large numbers who are identified with this world-wide student enterprise. At the present time it has one hundred and sixty thousand students and professors as members; this does not take account of the hundreds of thousands who were members in their undergraduate days but who are now engaged in the constructive work of the world. These men and women in their college days received their visions and much of their inspiration and training from association with their comrades in this enterprise.

The possibilities are without limit not only because of the large numbers of the future leaders of the nations bound together in this movement, but also because of its international character. It is not an Anglo-Saxon student movement although it is established in every university in North America, in the British Isles, in Australia, and in South Africa. Nor can we speak of it as a Latin enterprise although it has its societies in the French universities, in Italy and in the Iberian Peninsula, also in Cuba, Brazil, Argentina, Mexico, and Chile. Nor can we limit it to Germanic or Scandinavian lands, although you find it in all the universities of Germany, Holland, Norway, Sweden, Denmark and Finland. And it is not a Slavic movement although in the universities of Russia and Greece, Roumania, Bulgaria there are societies as branches. While we could not limit its range by speaking of it as an Oriental organization of students, some of the most remarkable links of this world-wide chain have been made in recent years by students and professors in India, Ceylon, Korea, Japan, China and the Turkish Empire. It is world-wide, having societies in over twenty-four hundred universities and colleges in from forty to forty-five separate nations. It constitutes in itself in epitome the realization of the great ideal which we of the Mohonk Conference have set before us. It illustrates international good will and understanding. It demonstrates the practicality of the coming leaders of the nations and races understanding each other and working together in most serious objects. (Applause.)

Its possibilities are very great also because of its anchorage. The

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anchorage of this Christian student movement is in the Church of Christ. It is inter-denominational not un-denominational. It does not stand for reducing ourselves to the lowest common denominator. It asks that each body bring into the common unity that which it most values—its distinctive truth, its individuality and its genius—and this explains much of its power. It has behind it hundreds of millions of members of the churches of Christ throughout the world—Protestant, Greek and Roman Catholic. The field to which its graduates will pass after they leave colleges, are these great churches where the movement can realize its ideals, its spirit and its activities. It looks upon the Church as a field as well as a force.

The possibilities of this Christian student movement are boundless because of the means and agencies at its disposal. I need not speak of the four hundred expert workers, secretaries chosen from the very flower of the universities of the world who are giving all of their time to extending and developing this movement in the different nations. I need not speak of the twenty-five separate periodicals published in ten languages which have been launched in connection with this movement, and which are waging a persistent and effective propaganda. I need not speak of the thousands of mission and social problems study classes in which over seventy thousand students are studying problems relating particularly to the economic and religious conditions of nations and peoples, and especially to relationships between nationalities, races and religions. Who can measure the possibilities of those groups? I have just come from the South where there are over four thousand white students in the Southern colleges and universities studying the negro problem from the point of the white race and the churches. There is an entire change of front toward their racial problem down there; and this is only one of the questions being studied scientifically under the stimulus of this movement. Nor need I dwell on another effective means—the student conferences. Their number is almost legion. We hold every year in America sixteen sectional conferences made up exclusively of students and professors, attended by six thousand college men and women and their teachers, each conference continuing for ten days where we have addresses and discussions dealing with the Christian principles underlying the realization of the visions we have held before us at Mohonk. And we have in those conferences institutes for the training of leaders not only in the work in the colleges, but in the churches and communities, as they graduate from the colleges.

Moreover, in every nation there are national meetings held annually. Besides these we aim to hold once in each student generation a continental conference—that is, once every four

years. The last was in Liverpool attended by more than two thousand professors, where for five days they faced the facts of the world need and their responsibility to help meet the religious need of the world. A few months ago I attended at Kansas City the continental congress we hold every four years in America. Four thousand students and professors were present from eight hundred American and Canadian colleges, and one thousand leaders of the Churches. We had fraternal delegates from European universities, and hundreds of Chinese, Japanese and British-Indian students. There we faced our responsibility as became men and women responsible for improving racial conditions and promoting good will among men, especially through spreading the religion of Christ. About every two years we hold a world's congress. The first was in Sweden, the next in this country; the next at Eisenach, the next in Versailles, then in Denmark, then in Holland, Tokio, Oxford, Constantinople; and the last was held here in this parlor where, as guests of our good friends Mr. and Mrs. Smiley, we met a year ago next week. Three hundred students and professors from forty-one nations assembled on that memorable occasion, having made their journeys from all these many lands for this particular conference. Here we had fellowship for seven days. My subsequent journeys that have taken me to many nations have shown me that those men and women not only received visions of a drawing together of the nations and races but are incarnating and realizing their visions. The next of these world conferences is to be in the danger zone of Europe, I might say the most dangerous zone of the world—in southeastern Europe in the Austro-Hungarian Empire. We shall seek to have a particularly full representation from the Balkan States, Austria, Turkey and Russia, as well as delegates from all the other countries; and we shall seek to diffuse the atmosphere of Mohonk among those peoples.

We hear much about peace, and that "Blessed are the peacemakers." The emphasis is usually placed on the word "peace." In my judgment the emphasis should be put on the word "makers," that is, blessed are those who take the initiative and who accept the burden of responsibility to promote right relations among the nations and peoples of the earth. (Applause.)

The possibilities of a movement like this are limitless because it is objective. It is nothing less than that of making the universities and colleges of the world strongholds and propagating centers for the principles and spirit of Christ, the Prince of Peace. This movement is constantly emphasizing that we of many lands are of one blood and have one Father, and are therefore brothers in a most intimate sense, that there is a solidarity of all our vital interests, that the Golden Rule applies to nations

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as well as to individuals, that the great commandment of Christ is that of universal love, that it carries with it, as He clearly taught, that we are to love even our enemies. These principles are being brought steadily to bear not only upon men who are to become preachers and missionaries, but also upon men who are to become statesmen, lawyers, doctors, editors, professors, engineers and members of all other influential walks of life.

The possibilities of this movement are great indeed because of its unifying influence. I have noticed this as I have traveled over the world again and again in the last twenty-five years, that by an attraction that is inexplicable save when one ponders the deep meaning of the words of the Saviour when He said that if He be lifted up He would draw all men. I would say that regardless of our religious views, as impartial students of history, we must have been impressed by the fact that where Christ is best understood and where men are most responsive to His ideals, there they are not only drawn to Him, but by that fact are drawn together. So in reminding us of the great things in which we are agreed, as contrasted with the things that divide us, by waging a constant propaganda telling of the good things of the other races and nationalities, by fixing the gaze upon the great constructive work of fusing the races together, by summoning the future leaders of the nations to undertake important tasks together, the movement is drawing together the nations and the races.

I once had the distinguished honor of an audience with the King of England. I told him of what a great ambassador said to me in Paris, that this movement was doing more to bind nations together than military alliances, arbitration treaties and peace congresses. His Majesty replied: "The ambassador is right, because this movement seems to be drawing together the hearts of the leaders of the different countries." It is indeed drawing them together by stronger bonds than any external arrangements, by establishing permanent friendships and by filling their lives with the unselfish sentiments and purposes of religion. (Applause.)

The CHAIRMAN: What an inspiration, ladies and gentlemen, to listen to such a recital as that!

Not long ago my attention was drawn to a very competent and lucid discussion of the relations between the United States and Japan. The author was the Rev. SIDNEY L. GULICK, Professor of Theology at the Doshisha University, in Kyoto, Japan, and Stated Lecturer to the Imperial University. Dr. Gulick is with us this evening and we shall now have the good fortune to hear him.

GULICK

THE CHURCH AS A FACTOR IN RACIAL RELATIONS

REMARKS BY REV. SIDNEY L. GULICK

The human race is entering upon a new era of development. Space has practically collapsed bringing into immediate relations races and civilizations that have come into being through millenniums of divergent evolution. The impact of Christendom on Asia has at last started into new activity those long torpid peoples comprising more than one-half of the human race. Asia is awakening, is learning: she is acquiring our modes of thought and life and organization.

These two facts, the collapse of space and the awakening of Asia are creating a new world-situation. To adapt herself to the conditions created for her by the West, the East has found herself forced to abandon her isolation and to reorganize the entire scheme of life and thought which she has been developing for not less than four thousand years.

But Asia's awakening and acquisition of Western modes of political, industrial, commercial and intellectual life, and particularly her development of military power, and national ambitions; and her insistence on national rights, are creating a new world-situation for Western lands.

Twenty-six years of life in Japan have colored my brain with the Orient, and my ears have been listening to your discussions from the oriental standpoint. Would that I might describe the sensations that have been going through my mind from this standpoint. For one thing these discussions seem to assume that the white race is, and is to remain dominant, the supreme factor in the world's history; and that our primary problem is concerned with the establishment of such arrangements between the white nations as will produce peace here. We little realize, however, the mighty significance of the new factors that are coming into our lives because of the rise of other parts of the human race.

The white man little appreciates the Asiatic. He suspects, dislikes, scorns, despises him, and is not willing to treat him on the basis of equality, justice and courtesy. To this day even in this Christian land, we are not dealing justly with the alien, especially the alien from Asia. And this is creating a serious situation.

Now the Church has been an important factor in creating the new world-situation. Through its missionary activity, entirely devoid of desires for territorial aggression, the Church has sent into every nation men without a particle of racial ambition. They have become friends of individuals of other races; they have come to understand those lands and their peoples and these in turn have come to understand, trust, and love the missionaries.

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In these ways there have been imparted to Japan and China ideals, conceptions and ambitions which are proving to be mighty forces in those lands. Japan would not be what she is to-day had it not been for those early missionaries who went to that land in the sixties and seventies. The few young men who were taught by them in Western ways became the leaders of Japan; they saw and helped their fellow-countrymen to see that Japan must learn what the West had to teach her. Japan humbled her proud head. In the last forty years she has employed more than five thousand white men to come to her land to teach, and no one can tell how many thousand of her young men have traveled and studied in foreign lands, and returned with treasures inestimable. In a single generation Japan has taken her place as one of the leading nations.

China, too, has been learning, partly by the young men who have studied abroad, partly from the missionaries and partly from the experiences and achievements of Japan. She is starting upon a course of progress of enormous significance for the white man. Whatever plans, therefore, we make for peace we must take the Asiatic into account.

In fifteen minutes you can hardly expect of me a logically developed discussion of this vast subject; but one thing I would like to impress upon peace workers, and it is this: Japan is tired of having peace lecturers come to tell her about the horrors of war and the importance of peace. What Japan asks is justice. If we do not give her justice she cares nothing for peace. Peace lecturers, as a rule, little realize that Japan is no longer a child. She is pretty well grown up, and is better acquainted as a whole with the political conditions of the world than any other nation. She has sent her young men into every nation and they have returned speaking the languages of all the civilized peoples of the world. They can read the newspapers of every land and know what is going on. The news of the world is better presented in the newspapers of Japan than it is in the majority of our papers in this country. Japan is no longer a child. She understands the world situation and realizes it.

But because Japan is Asiatic, we suspect and fear her; we even get hysterical about her. Last year when the anti-alien legislation of California was the cause of international tension one of our Generals is reported to have asked for four hundred and fifty thousand troops with which to patrol the Pacific coast, fearing an attack from Japan. This reveals an extraordinary misunderstanding. Japan desires friendship with America and will do anything consistent with national dignity and honor to maintain friendship. During the last five years she has consistently carried out the so-called Gentlemen's Agreement because of which there are some seven thousand less Japanese in

America to-day than there were when the arrangement went into operation. California, however, ignoring that fact, went ahead with invidious race-discriminating legislation. Japan does not want any more preachers of peace. She wants preachers of justice.

Last spring when telegrams to Japan told of the thirty-four anti-Japanese bills introduced into the California Legislature, and when alleged telegrams from Japan told of mobs demanding war with America, even though there were none, Count Okuma called a meeting of editors, educators, statesmen and Christian pastors to consider the California question. "This problem," he declared, "can not be solved by diplomacy, nor by legislation, nor by war, least of all by the talk of war; that is the very worst thing. There is only one possible solution. We must appeal to the Christians of America to see that their Christian principles of universal human brotherhood are enacted into life and law." This is Japan's fine appeal to the churches of America. (Applause.)

For sixty years now we have had relations with Japan and they have been remarkably friendly. To-day we have China's unqualified friendship. We returned a few years ago to China the Boxer indemnity; in the seventies, we returned the Shimonoseki indemnity to Japan. These splendid acts have been highly appreciated. But do you realize that we are losing Japan's friendship and in turn will surely lose that of China, because we are not keeping our treaty pledges? Do you realize that we are continuously subjecting the Chinese in our land to indignities that deeply wound their feelings? We are confronting a serious situation, serious because we are so ignorant and so indifferent.

So much in regard to the problems. Turning now to the solution. Ought not the Church to be a main factor in solving the problems of the new era in race relations? It should teach us with new insistence that God is no respecter of races; all alike are His children and beloved by Him. It is so easy for a people to think of themselves as God's pet child, even as the Jews thought of themselves as the elect race. We white people regard ourselves as inherently superior to all others. We are, however, profoundly ignorant of the Asiatic and therefore we scorn and despise him. We easily fancy that a gulf divides us.

There is indeed a difference between us, but it is not such a difference as is generally assumed, nor is it insuperable. My life in Japan has brought me into such relationship with Japanese that I am perfectly clear on this point. To talk about an insuperable obstacle, a profound gulf that separates the East from the West is the result of insufficient experience. One of the important things, therefore, which the Church can do and is doing through its thousands of foreign missionaries is to gain

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wide and real knowledge of the East as it has been and as it now is, and then to impart that knowledge to the nations of the West.

The second great thing which the Church can and should do is to insist that our laws shall be so framed and administered as to do justice to Asiatics in this land. Until we do that, can we claim that ours is a Christian land? As a matter of fact, we do not grant the Asiatic a square deal in this country nor give them an open door; yet we demand them for ourselves over there. We do not even give them the courtesy which we secure. The Asiatic is more sensitive to slight or insult than we are. We are thick-skinned. In their civilization courtesy is a highly important element. But we go on in our blunt ways wounding their feelings, and even disregarding their rights. Is it not time for our churches to insist that our laws shall be so modified, framed and administered as to do them justice and to deal with them courteously?

There is urgent need for this; for Asia is gaining enormous power through her acquisition of the white man's machinery of civilization. Unless we can persuade China that she shall secure justice, equality of treatment, courtesy, and freedom from attack by aggressive white people, China will proceed to arm. And in proportion as China arms, we shall fear her. In proportion, however, as we fear and distrust her, we shall arm. And in spite of all treaties and Hague Conferences, East and West will be increasingly arrayed against each other with ominous armaments. Untold wealth will they sink in war preparations. And what a calamity for Asia to spend precious wealth on armaments which should be used in the building of railroads and steamships, in providing national education and developing industries. All this frightful waste will be forced upon Asia unless we voluntarily provide justice and courtesy for her.

This suggests the third important step which our churches should take, the churches not only of America but also of Europe. May they not insist that their governments devise some kind of a compact, agreeing one with the other that China shall be not exploited? Our governments must unite to see that justice for Asia is provided by Christendom. If we can do this, China will not feel it necessary to arm. She can then devote her entire attention and wealth to the solution of the tremendous economic and other problems which are coming to them more and more as they enter into our Western life. Let the Christian nations be Christian, and then it will be relatively easy to help other nations to enter into a better and a higher life.

One thing impressed me as I have listened to your discussions; it is that you are largely concerned with what I may call the secondary or mechanical elements in the peace problem. Your discussions have not been concerned with the deeper spiritual

elements, with the creative motives and emotions of the nations and races. Shall we ever get into right relations with the peoples of Asia if we leave them to meet their own enormous problems without help or sympathy? I trow not. The selfish treatment of one nation by another produces resentment, suspicion and fear: If we are going to gain and keep the good will of those people we shall have to do many helpful deeds, deeds even of self-sacrifice, winning their friendship. The world little understands how the friendship of Japan and China have been won. Not by the visits of great battleships nor by the displays of power, but by good neighborliness and unselfish help has this been done thus far. A thousand missionaries in Japan and forty-five hundred in China, living lives of disinterested good will have been mighty constructive factors in calling forth Asia's respect for America and her trust in the white man.

Last January when Japan was suffering from that great famine in the north, and in the south was shaken by terrible earthquakes and volcanic explosions that destroyed thousands of fertile acres, if, instead of talking about increasing our navy we had given Japan the cost of two battleships, thirty million dollars, to aid her in her calamities, how easy it would have been to convince her that Americans were friends and with real friendship in the hearts of Americans and Japanese how easily we could solve the practical difficulties connected with immigration!

"Overcome evil with good,"—that is the positive way and the only way to make real friends of individuals and of nations. Help the Asiatic to meet his problems. Spend as much in providing for the welfare of Asiatic peoples and in giving them justice in this land, as we spend in armaments for fear they may attack us, and behold, little will be needed for armaments.

The Church is facing a new testing time and a new time of opportunity with regard to the relation of the races. The first great testing time of the churches occurred immediately after Pentecost when Jewish Christians thought that Gentiles had to become Jews before they could be Christians and brothers. But the Holy Spirit led them to see that all men are brothers, without becoming Jews, and those early Christians learned even to eat with Samaritans and with Gentiles; they welcomed them into their brotherhood. *Now* it is the white man who feels that he is the elect race and has special hold upon the grace of God; he looks down upon other races as inferior. But God is teaching us our error. The Asiatic is indeed our equal. I would just as soon sit at the feet of competent Japanese professors as I would at the feet of professors of German or American extraction. We are discovering that Asiatics are as brainy as we are; and that they produce men of splendid character. But it is a

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question to-day whether and how far our churches are willing to accept the fact that men of other races and colors and even with almond eyes, are our equals. This is a new testing time for the churches and also a time of rare opportunity.

The Church has already played a mighty rôle in the awakening of Asia. Let it now press forward to complete the work so well begun. For the Christian Church possesses the only real solution of the ancient problem of mankind, the problem of the races. (Applause.)

The CHAIRMAN: I have pleasure in presenting the Rev. CHARLES R. BROWN, D.D., Moderator of Congregational Churches in the United States and Dean of the Yale Divinity School.

THE CHURCH AND THE NEW INTERNATIONAL ORDER

ADDRESS BY CHARLES R. BROWN, D.D.

The Church stands always for the higher method of sovereignty. "My kingdom is not of this world," the Master said, when he stood face to face with Pilate. "My kingdom is not of this world, if it were my servants would fight." The men who represented Pilate's kingdom were accustomed to fight. The king who could bring the largest battalion into the field was allowed to determine the issue. He might be Marcus Aurelius or he might be Nero in personal character; if he were able to fight he won out. The servants in that kingdom were accustomed to fight.

The pious farmers in many a province were compelled to beat their ploughshares into swords. The bright metal of the nation's young manhood might be obliged to lay aside its productive office and become destructive in order that some other province might be conquered in the fight.

But the Master came to establish another sort of kingdom and to pursue another and a higher method of sovereignty. He stood there without weapons or wealth; he had no powerful army at his back; he was willing to stake the whole future of his cause on instruction and persuasion, on moral appeal and on the prevalence of certain ideals. He actually believed that by the gradual dominance of a finer type of public opinion, by the establishment of certain principles of justice in men's hearts and by the prevalence of certain nobler usages in international intercourse, there would emerge at last a kingdom in which the servants would not forever fight. Wherever that truth is taught upward the star of empire takes its way and we gradually witness the introduction of another and finer type of sovereignty.

In our day we are witnessing a great process of social co-ordination. The word of the hour is co-operation. In the business world individuals are organized into corporations, and corporations into trusts; in the industrial world men are organized into unions where the question of wages and hours is not determined by the individual, but according to the principles of collective bargaining. The small railroads are absorbed into systems and the small colleges into great universities. In religious life there is a steady demand for larger denominational units and for fewer and larger local church units.

I believe that these principles of social co-ordination are to become world-wide in extent and are destined to operate everywhere. Why not? Here under our own flag we have forty-eight separate and distinct states, each entirely free and independent, touching all those interests that belong to its own local life, but so federalized that when any question arises between state and state, or where there are interests which are common and inclusive, the matter may be referred to a Federal Tribunal before which all states bow alike. Massachusetts does not attempt to wage war with South Carolina, nor California with New York. Why not have the forty-eight or more countries which make up the family or nations on earth similarly federated? Let each remain free and independent, touching all those interests that belong to its own individual life, and yet all federated, so that when any difference arises they might together submit the matter to international arbitration. Let them also bow before an international tribunal rather than have one nation fighting against another. Why should not the principle of social co-ordination extend until it includes all the nations of the earth? Then there would arise that vaster kingdom in which nations would no longer fight, and there would come the fulfillment of our higher hopes for the new internationalism.

I believe the church can aid in that important matter in these four ways, which I desire to touch very briefly. First, by making its protest against war more and more practical. It has said enough, perhaps, on the sentimental side; it can afford to tell a very plain, round, unvarnished tale now in making its protest against war. The cruelty and the barbarity of war have been drawn in lines so accurate and have been painted in colors so terrible that everywhere the world shudders at the idea of war. "War is hell," General Sherman says, and he had seen enough of it to know.

We have had sufficient protest from that side.

But in our day the economic cost and waste of war, and the political futility of it as a means of determining what is right and what ought to stand, are bringing in evidence against the practice of war that is even more damning. If in some way we

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could add to the huge war debts and the long, expensive pension lists, and the depleted commerce and the expense of maintaining burdensome armaments and huge standing armies,—if in some way we could add to that, the economic waste and loss involved, in the killing, maiming and invalidating of thousands of energetic, productive, heroic young men, young men able to pass those exacting military examinations, which call for the firstlings of the flock for their costly sacrifice, if in some way we could add that to the economic loss, then the result would stagger the world.

Let the Church say so! Let the Church say that with the present high cost of living, the close margins in business, the thousands of our fellow-beings struggling for a bare existence, we can no longer tolerate that costly nonsense. Let the Church speak out and it will bring in an arraignment of war that will appeal to our more practical day and generation. (Applause.)

In the second place, I believe, the Church can aid by indicating that we have at hand a substitute for that outgrown method of settling international disputes. Yonder, at The Hague Conferences we have already made a splendid beginning looking toward a permanent international tribunal! The foundations have been laid and well laid. Now let the Churches of every nation stimulate men of vision to build on that foundation until that structure shall have been carried to its completeness. Let the Church make known everywhere the immense advance that has been made in the last twenty years in arbitration! Let it make clear the increased sentiment on that point all around the world.

The question was asked this morning, "Suppose we had an international tribunal, how could the parties be brought into court?" They could be brought into court by pressure commercial, political, moral, and if need be (until a few of them had learned their lesson) by a great international police force exerting military pressure. The day would soon come when no nation would be able to stand out for a single month against the pressure of all the other nations who are not parties to that dispute. Suppose the other nations all withdrew diplomatic relations or suspended their commerce with the recalcitrant nation; how long do you think it would be before the policeman would have that nation in court? Let the church stand up and make these things clear. Let it proclaim the fact that in the last ten years we have made immense advance and have already at hand the materials to substitute that newer and better method for the appeal to arms.

In the third place, the Church can assist toward that high end by constantly contributing to the formation of a steadier and finer quality of public opinion. Every nation is ruled in the

last analysis by public opinion. Here in our own country the government is not at Washington; the government is here, the government is there, the government is yonder, wherever the people are. Whatever the people want and keep on wanting the people will have. In the last analysis our government, as every government, is a government by public opinion and the Church can contribute immensely by her teaching and influence in the formation of a steady and reliable opinion to which we must at last turn.

What an immense gain in the last sixteen years, since the Spanish war! How much more steadily and with what finer self-respect has our country borne itself during the crisis with Mexico than in the days that immediately followed the destruction of the "Maine." Thousands of people are turning thoughtfully and prayerfully toward the deliberations at Niagara Falls, and the hope is everywhere being expressed that they may issue in peace with honor. Our God is marching on, and our God is a God of peace. We have made immense gains, in the quality of public sentiment in the last sixteen years. Let the Church see to it that, constantly by its teaching and by its influence, it contributes to the formation and maintenance of right public opinion and it will thus contribute greatly to the coming of that new internationalism.

Once more, in the fourth place, the Church can aid by painting the sky with a finer set of ideals. Let the Church draw its illustrations, not from the "fifteen decisive battles of the world," but from the fifty or more decisive arbitrations of the world! They have had much more significance for the real progress of the race. When the Church comes to hold before the eyes and hearts of its aspiring youth these ideals toward which it would have them look, it should be those men who in less dramatic, but more constructive, fashion than the fighters have been working for this new sovereignty! In the last analysis it will not be, "Blessed are the war-makers," but "Blessed are the peace-makers, for they shall be called the sons of God."

The Church can accomplish much in bringing before the minds of its youth the right type of ideals. There are ministers who feel when they preach about Gideon and Barak, Samson and Jephthah, husky fighters all of them, that they are preaching the Gospel because these men are named in the Bible! Whereas if they preached about Randal Cremer and Andrew D. White and Albert K. Smiley they would feel that they were making an entirely secular address, because those men are not mentioned in the Bible! And yet if we undertook to bring that list of moral heroes in the eleventh chapter of Hebrews up to date, we would every one want to include the three gentlemen to whom I have just referred and a long list of others, for these

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men have wrought righteousness and subdued kingdoms, they have stopped the mouth of lions and put to flight the armies of aliens. They have wrought in faith, not having received the promises but believing them and looking for a kingdom that hath foundations, whose Builder and Maker is God. (Applause.)

As a clergyman I am sometimes told quite bluntly that the fighting instinct will not die. I accept the statement as being absolutely sound. I think the statement is just as true as the statement that two and two make four. The fighting instinct will not die and it ought not to die. Let the fighting go on, but let it be not the fight of the human against the human! Let it be a fight of the man against the beast, of the man against all that is hostile in his environment, against all that makes against his own progress and well-being. Let it be war to the knife against the common enemies of hunger and cold, of disease and of death. Let there be a stern conflict against vice and crime, and all injustice between man and man! Let there be a chivalrous crusade on behalf of the poor and blind and weak! We have enemies enough to fight, God knows, but let them be the actual enemies of the race. Let the human battle against that which is inhuman and upon that warfare, waged not to destroy men's lives but to save them, the blessing of high Heaven will forever rest. We shall see, as the result of that warfare, a kingdom wherein men do not forever fight. We shall see the new internationalism coming with power and great glory! (Applause.)

PRESENTATION OF THE PUGSLEY* AND BLACK† PRIZES

Rear-Admiral JOHN P. MERRELL, U. S. N., as one of the judges and on behalf of the donor, Mr. Chester DeWitt Pugsley, presented the Pugsley prize for the best essay on International Arbitration, to the winner, Mr. HOWARD V. HORNUMG, of Greensburg, Indiana, a senior in the University of Indiana.

* The Pugsley prize of \$100 for the best essay on International Arbitration by a man undergraduate student of any college in the United States and Canada was offered in 1913-14, for the sixth time under the auspices of the conference. The judges were Hon. Charlemagne Tower, former Ambassador to Germany; Rear Admiral John P. Merrill, U. S. N.; and Mr. Arthur D. Call, Executive Director of the American Peace Society. The winning essay, by Mr. Hornung, has been published in pamphlet form. Forty-one essays were submitted.—Ed.

† The Black prizes of \$200 and \$100 for the best essays on International Peace by women college students in the United States were offered in 1913-14 for the third time. The Judges were Professor Samuel T. Dutton, Teachers College, Columbia University; Mr. Hamilton Holt, Editor of *The Independent*; and Mrs. Henry Villard, of New York. Forty-six essays were submitted.—Ed.

DISCUSSION

Mr. HORNUNG responded briefly, expressing his thanks for the prize, and his conviction that the offering of such a prize accomplishes the purpose desired; namely, the awakening of permanent interest on the part of the contestants.

Mrs. ELMER BLACK, of New York, donor of the Black prizes for 1913-14, presented the first and second prizes, referring particularly to the "courage of life" possessed by the women of the world, as distinguished from the courage of death more common among men, and of the consequent importance of interesting women in work for international peace.

Miss MARY OLIVE BELDON, of Plymouth, Indiana, a senior in the University of Indiana, winner of the first prize, made a graceful speech of acceptance, emphasizing the point made by Mrs. Black.

Miss MAUDE N. OSWALD, of Keuka Park, N. Y., a sophomore in Keuka College, Keuka Park, N. Y., likewise expressed her thanks for the second prize.

The CHAIRMAN: Having finished the program of the evening, we come to the closing part of this Conference. This is my third visit to Lake Mohonk, and I know that all those who come here have certain impressions and feel certain things in their innermost being which at this time they would like to express. But as it is impossible for each one to do this individually, I will ask Dr. PHILIP S. MOXOM to make a few closing remarks on behalf of all of us.

Dr. MOXOM spoke feelingly of the late Mr. and Mrs. Albert K. Smiley, paying a warm tribute to their work through the Mohonk Conferences. He expressed the highest gratification at the whole-hearted manner in which Mr. and Mrs. Daniel Smiley had taken up that work, and the heartfelt thanks of the members of the Conference, not only for the hospitality they had so greatly enjoyed, but for the inspiration received from the Conference.

Mr. SMILEY responded briefly, voicing the happiness of Mrs. Smiley and himself at the progress of the Conference, at the same time cordially thanking the members not only for their kind expressions, but also and especially for their part in making the meeting a success.

The CHAIRMAN: It is the good custom of this Conference to close its exercises with the hymn, "God be with you 'til we meet again," a good hymn, a beautiful hymn. It expresses the sentiment which every one of us so deeply feels at this moment.

The Conference sang the hymn, after which the Chairman declared the Twentieth Conference adjourned *sine die*.

MEMBERS PRESENT AT THE TWENTIETH CONFERENCE

The asterisk (*) following the name of a gentleman indicates that he was accompanied by his wife.

ABBOTT, REV. LYMAN, D.D., Cornwall-on-Hudson, N. Y., Editor *The Outlook*.

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APPENDIX A

SPECIAL MEETINGS HELD AT MOHONK IN CONNECTION WITH OR DURING THE TWENTIETH CONFERENCE

BUSINESS MEN'S MEETINGS

The official delegates* from business organizations, and other business men present, held a number of special meetings on May 27th, 28th and 29th, as a result of which they prepared and adopted the declarations* presented to the Conference at the fifth session. They also formulated plans for activity during the coming year and for the preparation of suggestions concerning the program of the 1915 Conference.

PRESS COMMITTEE MEETING

The Press Committee† held a special meeting May 28th, at which the following recommendations were adopted:

The Press Committee of the Conference submits the following recommendations:

1. In recognizing progress in the past year, it suggests that efforts to secure publicity for the cause of arbitration shall be more particularly addressed to the larger newspapers. It assumes that religious publications appeal to those already convinced, and urges the desirability of reaching a larger and less informed public.

2. It recommends that the conference develop its own special sources of news, through the exceptional character of its membership. It considers these individual opinions will have a special news value, in view of the approach of the Third Hague Conference, and the near prospect of an International Court of Arbitral Justice.

3. The members of the Committee desire, through their chairman, to offer their personal influence in securing legitimate publicity, and will submit specific suggestions at a future date.

MEETING OF COMMITTEE ON BUSINESS ORGANIZATIONS

The Committee on Business Organizations‡ met on May 29th to consider the resignation of its chairman, Mr. Marcus M. Marks, because of his engrossing duties as President of the Borough of Manhattan, New York City. The resignation was accepted with regret, and Mr. William McCarroll was chosen Chairman, while Mr. Alexander C. Wood, of Camden, N. J., was chosen to fill the vacancy in the committee. Mr. Harlow N. Higinbotham was excused from further service on the com-

* See remarks by Mr. Stevenson in fifth session; also lists following his remarks.

† For personnel of the committee, see pp. 2, 3.

‡ For personnel of the Committee, see p. 3.

SPECIAL MEETINGS

mittee, and the Chairman and Secretary were authorized to fill the vacancy thus created.

INTERCOLLEGIATE PEACE ASSOCIATION ORATORICAL CONTEST

The Eighth National Oratorical Contest of the Intercollegiate Peace Association was held May 28th, at 4 P. M., and, by invitation of the Association, most of the members of the Conference listened to the orations. The five contestants represented 23 states and about 120 colleges, and each had been successively the winner in a local, a state and an interstate group contest. They received prizes in the following order: F. J. Lyons, University of Texas (Southern Group); Louis Broido, University of Pittsburgh (North Atlantic Group); Ralph D. Lucas, Knox College, Illinois (Central Group); Victor Morris, University of Oregon (Pacific Coast Group); Harold Husted, Ottawa University, Kansas (Western Group).

Particulars of the contest and information concerning the valuable work of the Intercollegiate Peace Association may be obtained from its secretary, Professor S. F. Weston, Yellow Springs, Ohio.—Ed.

CONFERENCE ON THE PROMOTION OF INTERNATIONALITY IN THE UNIVERSITIES

At the call of Dr. George W. Nasmyth, an informal conference on the promotion of internationality in the colleges and universities was held May 28th, at 2:30 P. M. Among the participants were Dr. and Mrs. Andrew D. White, Hon. John Bassett Moore, Mr. and Mrs. Edwin D. Mead, Arthur D. Call, Dr. John R. Mott, Rev. Frederick Lynch, Professors George Grafton Wilson, Ellery C. Stowell, William I. Hull, and S. F. Weston; Dr. Sidney L. Gulick, Dr. Charles H. Levermore, Dr. Charles F. Thwing and Dr. and Mrs. Nasmyth. Steps were taken to give effect to the discussions. Mr. Mead served as Chairman and Mr. Louis P. Lochner as Secretary.

MEETING TO CONSIDER A NATIONAL PEACE COUNCIL

On Thursday, May 28th, at 5 P. M., a number of officers and members of the American Peace Society met in the Rock Reading Room to consider the best methods of constituting the directorate of the Society a representative national peace council. Dr. Frederick Lynch acted as chairman and Mr. Louis P. Lochner as Secretary. Others present were Dr. Samuel T. Dutton, William H. Short, Arthur D. Call, Mrs. Edwin D. Mead and Mrs. Frank F. Williams.

APPENDIX B

A FEW EVENTS OF 1913-14

The following chronological lists have been compiled in response to numerous requests for such a reference. They do not purport to cover all the events affecting international peace, and are prepared with special reference to American readers.—Ed.

Abbreviations: A., *American Journal of International Law*, Washington, D. C.; R., *Review of Reviews*, New York.

I. CASES OF ARBITRATION, MEDIATION, ETC.

1913

Mar. 1. Mediation of the European Powers to end the Balkan conflict accepted by Turkey; accepted by the Balkan Allies Mar. 14; Treaty of London, provisionally ending Balkan War, signed May 30; separate treaties of peace signed; Turkey and Bulgaria, Sept. 29; Turkey and Greece, Nov. 13; Turkey and Servia, Mar. 14 (1914). The International Financial Commission on Balkan affairs met at Paris June 4-July 18, 1913. (*La Vie internationale*, 4, chronique; A. 7:607, R. 48:673.)

The second Balkan conflict (among the former allies) was terminated by treaty signed at Bucharest Aug. 10. (A. 8:144.)

Mar. 17. A Joint International Commission (United States and Panama) to settle property questions arising from the construction of the Panama Canal opened its sessions in Panama. (A. 7:599.)

Apr. 3. Netherlands and Portugal referred to umpire chosen from the Permanent Court of Arbitration at The Hague differences concerning frontiers in the East Indies. (*Rapport du Conseil Administratif de la Cour*, etc., 1914, 48.)

May 6. The Permanent Court of Arbitration at The Hague awarded to France damages for seizure by Italy of the French Steamers *Carthage* and *Manouba*. (A. 7:605.) This, the Court's twelfth case, included the question of the seizure of the *Tavignano* but this was later settled out of court. (Some authorities rank this as three separate Hague cases.)

May 13-June 18. The American and British Claims Arbitration, provided for in agreement of Aug. 18, 1910, to settle all outstanding pecuniary claims, held its first two sessions in Washington and Ottawa and decided four cases. (A. 7:606.)

July 31. France, Great Britain, Spain and Portugal referred to the Permanent Court of Arbitration at The Hague differences relating to property belonging to religious associations confiscated by Portugal. (A. 8:144.)

Sept. 10. France and Haiti agreed to arbitrate claims of the former against the latter. (A. 7:865.)

Dec. 10. The Central American Court of Justice made an award in the case of Felipe Molina Larios vs. the Government of Honduras. This Court, July 25, 1913, began its second quinquennial period with newly elected officials. (*Anales de la Corte*, etc., III, 58-66, 3-13.)

CHRONICLE OF EVENTS

1914

Feb. 12. France and Peru agreed to submit to the Permanent Court of Arbitration at The Hague questions concerning mutual claims. (A. 8:369.)

Mar. 9-May 2. The American and British Claims Arbitration (see May 13, 1913), held its third session in Washington. (A. 8:371.)

Apr. 25. The Argentine Republic, Brazil and Chile, through their diplomatic representatives in Washington, offered mediation in the situation created by the "Tampico incident" of Apr. 10 and the resultant seizure of the port of Vera Cruz by the United States on April 21. The offer was accepted by the United States and (Apr. 27) by Mexico. (R. 49:688.) After preliminary consultations in Washington the so-called "A. B. C. Mediation Conference" met May 20th at Niagara Falls, Canada, (*N. Y. Times*, May 21, 1914), and on June 24th a protocol was signed looking to a peaceful adjustment of the Tampico incident (*N. Y. Sun*, June 25, 1914).

May 26-27. The International Joint Commission (Waterways Treaty, United States and Canada) rendered judicial decision of a very important international litigation permitting obstruction, under certain conditions, of St. Mary's River at Sault Ste. Marie. Another case had been decided on Jan. 14th.

2. TREATIES OF ARBITRATION

The following named treaties are renewals of the general treaties negotiated by the United States in 1908 and 1909, and are for five-year periods. In general they provide for arbitration by the Permanent Court of Arbitration at The Hague of differences of a legal nature or concerning interpretation of treaties if they do not affect the vital interests, independence or honor of the contracting parties and do not concern the interests of third parties.

During the same period a large number of similar treaties were renewed between various nations of Europe.

1913

Feb. 13. United States and France.* (A. 7:599, 8:342.)

May 29. United States and Spain.* (A. 8:342.)

May 28. United States and Italy.* (A. 8:342.)

May 31. United States and Great Britain.* (A. 8:342.)

June 16. United States and Norway.* (A. 8:342.)

June 28. United States and Portugal.† (A. 8:342.)

June 28. United States and Sweden.* (A. 8:342.)

June 28. United States and Japan.† (A. 8:342.) Ratified by Japanese Privy Council, May 13, 1914. (R. 49:688.)

Dec. 7. United States and Switzerland.† (A. 8:149, 342.) *(*N. Y. Times*, Apr. 28, 1914.)

1914

March 2. United States and Paraguay.† (A. 8:342.)

March 16. United States and Costa Rica.† (A. 8:342.)

———. United States and Austria-Hungary.† (*N. Y. Times*, May 21, 1914.)

May 9. United States and The Netherlands.† (*N. Y. Times*, May 21, 1914.)

May 13. United States and Salvador.† (*N. Y. Times*, May 14, May 21, 1914.)

* Ratifications exchanged.

† Ratified by the Senate.

CHRONICLE OF EVENTS

3. THE WILSON-BRYAN PEACE TREATIES

1913

Apr. 24. The Secretary of State presented to the diplomatic representatives of the various powers at Washington the outline of a plan providing that all controversies be submitted to investigation by a standing international commission before war shall be declared. (See Item 7 of this Appendix.) Within a year from its presentation the plan had been approved in principle by thirty-four governments.

Aug. 7. The United States and Salvador signed a treaty embodying the provisions of the above named plan. (For text of this treaty see Item 7 at conclusion of this Appendix.) Similar treaties were signed as follows:

Sept. 20. United States and Panama. (A. 7:866.)

Sept. 20. United States and Guatemala. (A. 7:866.)

Nov. 3. United States and Honduras. (A. 8:147.)

Dec. 17. United States and Nicaragua. (A. 8:341.)

Dec. 18. United States and The Netherlands. (A. 8:341.)

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Jan. 22. United States and Bolivia. (A. 8:341.)

Feb. 4. United States and Persia. (A. 8:341.)

Feb. 4. United States and Portugal. (A. 8:341.)

Feb. 13. United States and Switzerland. (A. 8:369.)

Feb. 13. United States and Costa Rica. (A. 8:341.)

Feb. 17. United States and Dominican Republic.* (A. 8:341.)

Mar. 2. United States and Paraguay. (A. 8:370.)

Mar. 21. United States and Venezuela. (A. 8:341.)

Apr. 17. United States and Denmark. (A. 8:342.)

May 5. United States and Italy. (R. 49:688.)

4. INTERNATIONAL CONFERENCES

1913

Jan. 1. Fifth Central American Peace Conference, San Jose. (A. 7:597.)

May 5-9. International Conference on the Centenary of Peace between the United States and Great Britain, New York.

May 11-12. Conference of French and German Parliamentarians, Berne, Switzerland. (A. 7:605.)

June 15-19. Second World Conference of International Associations, Brussels. (A. 7:857.)

August 4-9. Twenty-sixth annual meeting of the Institute of International Law, Oxford, Eng. (A. 7:862.)

Aug. 20-23. Twentieth Universal Peace Congress, The Hague. (A. 7:864.)

Aug.-Sept. Biennial Conference, International Federation of Students, Ithaca, N. Y.

Sept. 3-6. Eighteenth Conference of the Interparliamentary Union, The Hague. (A. 7:865.) As an outgrowth there was formed on Sept. 5th an American-Japanese Group of the Union. (*N. Y. Times*, Sept. 6, 1913.)

Oct. 1-6. Twenty-eighth Meeting of the International Law Association, at Madrid. (A. 8:145.)

* Includes also the provisions of the general arbitration treaties. (See Table 2, preceding.)

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5. AMERICAN CONFERENCES

1913

- Apr. 24-26. Seventh Annual Meeting of the American Society of International Law, Washington.
April 30-May 4. Fourth American Peace Congress, St. Louis.
May 14-16. Nineteenth Lake Mohonk Conference on International Arbitration, Mohonk Lake, N. Y.
Dec. 3-4. Conference of American Peace Centenary Committee, Richmond, Va.
Dec. 4-6. Fourth National Conference of the American Society for the Judicial Settlement of International Disputes, Washington.

1914

- Feb. 11. Meeting of National Citizens Committee for the purpose of bringing about the calling of a Third Hague Conference, New York.
Apr. 22-25. Eighth Annual Meeting of the American Society of International Law, Washington.
May 8-9. Eighty-sixth Annual Meeting of the American Peace Society, Washington.
May 27-29. Twentieth Lake Mohonk Conference on International Arbitration, Mohonk Lake, N. Y.

6. OTHER EVENTS

1913

- March 26. Winston Churchill, Lord of the British Admiralty, speaking in the House of Commons, offered to suspend increase of armaments for one year upon agreement with other nations. (A. 7:600.)
Aug. 28. The Palace of Peace at The Hague formally opened.
Dec. 8. The U. S. House of Representatives passed a resolution, introduced by Representative Hensley, favoring the Winston Churchill proposition for a "Naval Holiday." (See March 26.)
Dec. 10. Nobel Peace Prize for 1912 awarded to Senator Elihu Root, and that for 1913 to Senator Henri La Fontaine, Brussels.

1914

- Jan. 29. The Academy of International Law was founded at The Hague. (A. 8:351-360.)
Jan. 31. The United States Government proposed to the other nations the calling of a third Hague Conference during the year 1915. (A. 8:333.)
Feb. 10. The Church Peace Union, with an endowment of \$2,000,000, was founded by Andrew Carnegie.

7. THE FIRST "WILSON-BRYAN PEACE TREATY"

(The following are the provisions of the treaty, signed August 7, 1913, between the United States and Salvador, which is presumed to have served as a model for most of those since signed. See Table 3 of this Appendix. For certain exceptions, see address of Hon. John Bassett Moore in proceedings of first session.—Ed.)

The Republic of Salvador and the United States of America being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose.

* * * *

ARTICLE I

The high contracting parties agree that all disputes between them, of every nature whatsoever, which diplomacy shall fail to adjust, shall

CHRONICLE OF EVENTS

be submitted for investigation and report to an International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country by the government thereof, one member shall be chosen by each government from some third country, the fifth member shall be chosen by common agreement between the two governments. The expenses of the commission shall be paid by the two governments in equal proportion.

The International Commission shall be appointed within four months after the exchange of the ratifications of this treaty, and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, act upon its own initiative, and in such cases it shall notify both governments and request their co-operation in the investigation.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government and the third retained by the commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

ARTICLE IV

Pending the investigation and report of the International Commission, the high contracting parties agree not to increase their military or naval programmes, unless danger from a third power should compel such increase, in which case the party feeling itself menaced shall confidentially communicate the fact in writing to the other contracting party, whereupon the latter shall also be released from its obligation to maintain its military and naval *status quo*.

ARTICLE V

The present treaty shall be ratified by the President of the Republic of Salvador, with the approval of the Congress thereof; and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the high contracting parties have given notice to the other of an intention to terminate it. [Text from *American Journal of International Law*, 7:824.]

APPENDIX C

CORRESPONDENTS OF THE PERMANENT OFFICE OF THE CONFERENCE

Because of limited hotel accommodations, it is impossible for Mr. and Mrs. Smiley to entertain as their guests at one annual conference more than approximately three hundred persons. While, therefore, comparatively few of the many hundreds of interested individuals who desire to co-operate in the work of the conferences can be invited in any given year, in 1907 the permanent office of the conference devised a plan to provide for such individuals an opportunity to co-operate as "Correspondents" of that office. Enrollment as a "Correspondent" in no way precludes invitation to any annual conference. "Correspondents" receive without charge all publications of the conference and occasional circulars of information from the office, which also gladly answers their inquiries. In return, they agree to use their influence to bring about in their respective communities a more general knowledge of the possibilities and accomplishments of arbitration and other agencies for the avoidance of war, to co-operate when practicable with the conference office in furthering special movements, and to keep the office informed of local activity.

About six hundred "Correspondents," residing in forty-five states and territories in the United States and in eighteen nations of Europe, Asia and South and Central America, have been enrolled. Although the length of the list prevents its appearance in the present volume, such a list of that date may be found in the report of the Nineteenth Conference (1913), pp. 207-216. Further information may be obtained from the Secretary of the Conference.—ED.

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